

A REVIEW OF EDUCATIONAL LEGISLATION 1937 *and* 1938

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Bulletin 1939, No. 16

UNITED STATES DEPARTMENT OF THE INTERIOR . . . HAROLD L. ICKES, *Secretary*
OFFICE OF EDUCATION . . . J. W. STUDEBAKER, *Commissioner*

UNITED STATES GOVERNMENT PRINTING OFFICE . . . WASHINGTON : 1939

For sale by the Superintendent of Documents, Washington, D. C. . . . Price 10 cents

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III

FOREWORD

No argument would seem to be needed to prove that a knowledge of contemporary legislation affecting education is of practical advantage to every educational worker and to all citizens of representative government. Under our system it is the prerogative of a State legislature to overcome legal obstacles, or to set up new legal instruments for improving the administration of education.

A review of educational legislation in the American commonwealths over a 2-year period involves the study of approximately 1,500 enactments. The purpose of this review is first to determine what new and significant legislative developments are in process, and in what way they may affect the course of public education; and, secondly, to make available to school officers, teachers, and the public in general, up-to-date information on legislation affecting the respective phases of education.

The method of this review is intended to be narrative, and also interpretative as to trends insofar as trends may be discerned within a 2-year period. It is hoped that the information contained in this bulletin will be of service to those who seek to improve the legal organization and functioning of our educational system.

BESS GOODYKOONTZ,

Assistant Commissioner of Education.

REVIEW OF EDUCATIONAL LEGISLATION, 1937 AND 1938

INTRODUCTION

The purpose of this bulletin is to show the most outstanding examples and tendencies in 1937 and 1938 legislation affecting education in the United States. During this period the legislature of each State held one or more sessions and enacted approximately 1,500 measures relating to education. This review is limited principally to outstanding tendencies and examples.

Within the past decade three outstanding tendencies have been manifested in such legislation, namely:

- (1) Increased State responsibility for the financial support of public education.
- (2) A strengthening of State instrumentalities of control over education.
- (3) The establishment of minimum State-aid foundation programs of State-wide application.

These major tendencies continued in evidence during 1937 and 1938; and no new outstanding developments in educational legislation appeared. Legislation in the three general directions above mentioned is revealed in many different ways; that is to say, legislation dealing with various phases of public-school administration reveal many changes which contribute to one or more of the three outstanding tendencies.

Legislation, while moving along the three major lines stated, has manifested many other tendencies with reference to specific phases of education. Among the other tendencies in school legislation during the biennium are:

The acquisition of State school revenue through the development and use of nonproperty tax systems.

An increase of State control over school budgets, expenditures, and indebtedness.

A general extension of State control over public and private higher educational institutions.

An extension of legislation to promote the establishment of junior colleges.

The promotion of larger and more capable local school administrative units.

The centralization of teacher training and certification in State school officials.

The standardization of teachers' salaries in State-wide programs.
A gradual extension and development of provisions for retirement benefits of aged teachers.

The development of teacher-tenure laws.

Improved transportation facilities for school children.

Improvements in facilities for the health and safety of school children.

Extension of provisions for free textbooks for school children.

Increase of Federal funds for vocational education.

STATE SCHOOL ADMINISTRATION, ORGANIZATION, AND FUNCTIONS

Legislation relating to State school organization was enacted in a number of States. The general trend over many years has been toward the vesting of additional administrative control over schools in the hands of State school officials. This tendency is still in evidence.

In 1937 the Legislature of *Georgia* provided for a new and enlarged State board of education composed of the Governor and one member from each of the 10 congressional districts appointed by the Governor, "by and with the advice and consent of the Senate," for 6-year overlapping terms. (Formerly the State board of education consisted of the Governor and State superintendent of schools and 4 others appointed by the Governor for 4-year terms.) The new act requires that board members be citizens of the State and residents for 5 years preceding their appointment. Professional educators are excluded from the State board. (The old board was composed principally of schoolmen.) Board members are required to take an oath of allegiance to the Federal and State Constitutions. The new board shall elect one of its members as chairman, and the State superintendent shall be the executive officer thereof. Each member is allowed \$7 per day of actual attendance at board meetings and transportation costs. For the purpose of administering the State school finance program, the legislature made the State superintendent of schools the executive and administrative secretary of the State board of education and authorized the board to increase the salary of the State superintendent.

This act of *Georgia* enlarged the powers of the State board of education. The board is not only authorized to provide a course of study for all common and high schools receiving State aid, but may, in its discretion, approve additional courses of study set up by local units of administration, provide for curriculum revisions and for the classification and certification of teachers. The new State board "shall prepare and submit to the Governor and the general assembly"

an estimate of the funds necessary for the operation of the State public-school system, and (except as provided in this act) perform all such other duties required by law as previously constituted. Furthermore, the State board shall prescribe by regulation standard requirements for universities, colleges, normal or professional schools, conferring degrees or issuing diplomas, and no charter granting the right to confer such degree or diplomas shall be granted until the applicants therefor have obtained from the State board of education a certificate showing that such requirements have been met. Moreover, the legislature vested in the State board of education appellate jurisdiction in all school matters which may be appealed from any county or city board of education, and stipulated that decisions in all such matters "shall be final and conclusive." (See *Textbooks*, page 21, for additional legislative action relating to the State board of education in Georgia.)

The Legislature of *Texas* amended chapter 209 of 1933 laws by defining the rights and duties of the State board of education to exact of school districts the performance of certain prescribed duties wherein all or part of the bonds of such districts are owned by the permanent school fund; prescribed the duties of the comptroller general in reference thereto; provided for suspension of payment of available and rural aid school fund to such districts as are delinquent; and conferred upon the State board of education authority to cause the redemption of such payments. The Legislature of *Illinois* authorized the State superintendent of public instruction "To determine the standards for recognition of elementary schools." The *Pennsylvania* Legislature required the superintendent of public instruction to withhold appropriations from school districts until all reports required by law are filed and to authorize withholding of appropriations from school districts for failure to comply with health and safety regulations.

The Legislature of *Arkansas* provided ~~for~~ a new State board of education whose members shall be appointed by the Governor; said appointments shall be made upon the expiration of the term of each member of the State board of education as now constituted. "As the terms of the members of said board expire, the Governor shall appoint a successor in each case for a term of not exceeding 7 years * * * A member of the board may be removed by the Governor for cause." The Governor shall be ex-officio member and chairman of the board, and the State commissioner of education shall be ex-officio secretary. Previously the State board consisted of seven members, one elected by popular vote from each of the congressional districts.

Wyoming made the State superintendent of public instruction an ex-officio member of the State board of public welfare, which is created by the same act. The *South Dakota* Legislature provided for the nonpolitical nomination and election of State and county superintendents in accordance with amendments to the constitution ratified at the last general election. This act is closely patterned after the law provided for nonpolitical nomination and election of judges.

The Legislature of *Connecticut* changed the authority from the State board of education to the State treasurer to receive in the name of the State money or property given or bequeathed to the State or State board of education for educational purposes provided for the investment of such money or property; and created an investment commission consisting of the commissioner of finance and control and two other persons experienced in matters relating to investments to be appointed by the Governor. The law provides that all investments by the State treasurer shall be approved by the investment committee. The Legislature of *Tennessee* reorganized the executive and administrative departments of the State government and provided that the division of geology in the department of education be transferred to the newly created department of conservation. This act provides that the department of administration of the State government shall prescribe the budgeting, accounting, and financial reporting procedures for the State teachers colleges and normal schools.

For information concerning legislation affecting other functions of State school officers, reference is made to the sections of this review relating, especially to the one on *State Aid Programs*, the *Curriculum*, and *Higher Education*.

LOCAL SCHOOL ADMINISTRATION, CONSOLIDATION, ETC.

The principal tendencies manifest in legislation affecting local school administration is to facilitate the consolidation of two or more school districts and to grant additional powers to school boards to enable them to administer schools on a more effective basis. Examples of legislation in this field are given for a few States.

The Legislature of *Illinois* authorized trustees of schools, upon filing of a petition signed by a majority of voters therefor, to change the boundaries of elementary, consolidated, community consolidated, township high school, community high school or non-high-school districts situated wholly within the township; provided that if territory is to be detached from a non-high-school district and annexed to a township or community high-school district, or vice versa, the change of boundaries shall first be approved in each district by a majority of those voting on the proposition to annex or detach at an election called for that purpose.

In *Indiana* the legislature directed township school trustees to abandon school in which the average daily attendance during the preceding year was fewer than 15 pupils (previously 12 pupils); and authorized said trustees to abandon schools with fewer than 20 pupils (previously 15). The legislature also provided for the consolidation of schools to form a new school corporation in certain incorporated towns with less than 2,000 population where the schools have been abandoned and the pupils thereof are being transported to jointly operated schools; and provided for the organization and control of the new school corporations. Such consolidation may be effected by joint resolution of the respective school boards declaring their intention to consolidate; and the resolution shall be effective upon the publication of same unless a petition signed by 51 percent of the taxpayers protesting said consolidation is presented within a specified date.

The Legislature in *Michigan* provided that rural agricultural school districts with a population not to exceed 3,000 (previously 1,500) may be included in township districts; and that rural agricultural districts may include cities having a maximum population of 10,000 instead of 2,000 as previously provided.

Perhaps the most noteworthy legislation during the biennium affecting local administration was enacted in *Pennsylvania*. In 1937 the Pennsylvania Legislature amended many sections of the school code pertaining to local school district organization. Among the changes effected by the amendments are: (1) The creation in each county of a county board of school directors with certain prescribed powers and duties, and provided that the county superintendent shall be the chief executive of the county board of school directors; (2) that existing districts which employed no teachers prior to July 1, 1937, merge in 1938 with other districts upon petition of county boards of school directors; (3) that districts employing 10 teachers or fewer for the school year 1936-37 be merged on and after July 1, 1941, upon consent of the electors of the districts (exempts districts which have recently begun consolidation as union districts with the consent of the State council on education); (4) required the county board of school directors to inspect the annual budgets of school districts under the direction of the county superintendent and to give advice and assistance regarding the same before the budget shall be signed and forwarded to the State department by the county superintendent, and that they shall also approve the school building plans of said districts; (5) that transportation routes be established by and with the advice and assistance of the said county board.

In *Nevada* the legislature authorized the boards of county commissioners of any county to establish a high-school district in any elementary district upon a petition of three-fifths of the taxpayers

thereof; provided that the petition shall show (1) at least 10 students of high-school grade not over 20 years of age who are in need of and are desirous of having high-school instruction; (2) that the district is 40 miles or more from another high school; (3) that three-fifths of the taxpayers are willing to carry a special district levy of at least 40 cents on the \$100 of valuation of the district. Such district high school when established shall be under the administration of the already existing board of school trustees of the elementary school district, and shall differ from the regular county high schools only in extent of territory, in plan of administration, and in means of support. This act also authorized under certain conditions the county boards of education and county commissioners to provide funds to aid district high schools and to include in the tax levy for high schools provisions for the necessary funds.

The *Texas* Legislature authorized certain counties to vote to establish county-wide school equalization systems; and authorized rural high-school districts to consolidate with contiguous common-school districts upon approval of a majority of voters of the respective districts. *Montana* amended its State constitution so as to extend the term of office of county elective officers, including the county superintendent of schools, from 2 years to 4 years. The legislature of *Wyoming* amended sections 36-110 of the State code governing the election of county officers, including county superintendents of schools, by increasing the term of office from 2 to 4 years.

The *West Virginia* Legislature provided that the county board may elect a county superintendent "for a term of not more than 4 years," and shall elect such officer on the first Monday in July; and required county superintendent to have "12 hours' credit in school administration and supervision and at least 5 years' experience in public-school teaching and/or supervision within the State." Formerly 8 hours' credit in school administration and 2 years' experience as teacher (or 1 year as county superintendent) was required, which teaching experience need not have been in the State. The new law also provides that county superintendents may be removed from office only for "immorality, incompetency, insubordination, intemperance, or wilful neglect of duty," and then only upon charges stated in writing and after the superintendent shall be given 10 days' opportunity to be heard. Formerly county superintendents were subject to removal "for cause" in judgment and discretion of county board of education. The county superintendent was authorized to assign, transfer, suspend, promote, or dismiss teachers and all other school employees of the district, subject only to the approval of the board. (New features underscored.)

STATE AID PROGRAMS

During the 2 years here reviewed many State legislatures modified their programs for the distribution of State funds. Legislation in this field shows a further extension of the general principle that the State should increase its responsibility for adequate financial support of public schools. Examples of legislation substantially modifying school finance programs are given for a few of the States.

The legislature of *Arkansas* revised and extended until July 1, 1939, the "Emergency Retail Sales Tax Law" of 1935 (Act 233) which would have expired on June 1, 1937. The express purposes of this act are: To provide relief for the common schools, to provide funds to buy free textbooks for the first eight grades thereof, to provide funds for circulating library service in connection with the public schools and funds to take the place of the homestead exemptions, and to provide for the awards of the State. * * * The act as revised expressly exempts from taxation original sales of numerous agricultural products, and provides that the receipts from the sales tax, after deductions for administrative purposes, shall be distributed as follows: 7 percent (but not to exceed \$350,000 annually) to the textbook fund for the purchase of free textbooks for the first eight grades of school; 8 percent to homestead exemption fund (but not to exceed \$500,000 annually); 10 percent each year to the charitable institutions fund; 25 percent to the welfare fund; and 50 percent to the common-school fund. The revised act also expressly authorizes to be appropriated from the common-school fund necessary funds to maintain a school library service as provided by law. (Formerly 35 percent was allocated to the State's general revenue fund and 65 percent to the common-school fund.)

The *Arkansas* Legislature also supplemented the State common-school fund by providing that all (instead of 70 percent) of the revenue collected from the privilege taxes known as "beverage tax permits" shall be paid into the said fund; and by providing that one-half of the revenue accruing to the charities fund (under Act 236, 1937, increasing the liquor tax from 40 to 65 cents per gallon) be transferred to the common-school fund.

The most important school legislation in *Delaware* is the State School Budget Act. Among the noteworthy provisions of this act are the following:

- (1) A general appropriation for education of \$3,514,000 annually, which is approximately \$28,000 more per year than during the previous biennium.
- (2) \$286,000 specifically for restoring the total salary reductions which were required by the budget act of 1933.
- (3) \$25,000 for painting and repairing school buildings (two-thirds for city of Wilmington).

- (4) \$15,000 as additional fund to match the increased Federal appropriations for vocational education by the George-Deen Act of 1936.

The *Delaware* Legislature also amended the franchise tax law by changing the basis of calculating the number of shares upon which a corporation pays tax, and transferred franchise taxes to the general fund in the following amounts: For 1937-38, \$440,674 and for 1938-39, \$432,024 to cover the appropriations made to the University of Delaware, State college, and the State tax department.

The *Georgia* Legislature completely revised its State system of distributing school funds, and declared it to be the public policy of the State that "educational opportunities for all of the children of school age * * * shall be equalized throughout the State by the State board of education so far as possible," and required the operation of all public schools for not less than 140 school days each year. In the administration of the State equalization program in education, the State board of education is required to divide or classify the various local school units into five groups on the basis of the most recent United States census, and to determine on the basis of average daily attendance the number of teachers to be employed for the minimum term in the following manner:

Group 1: Comprising independent school system in cities of more than 10,000 population; counties having one or more city of more than 10,000 population, exclusive of independent systems, and counties having a population density of more than 200 per square mile. In this group there shall be employed 1 teacher for each 40 pupils in average daily attendance or major fraction thereof in elementary grades, and 1 teacher for each 35 pupils or fraction thereof in high-school grades.

Group 2: All independent school systems not included in group 1 and all counties having a population density of not less than 75 and not more than 200 per square mile. Teachers allotted: 1 for each 35 in elementary grades, and 1 for each 30 in high school.

Group 3: All counties having a population density of 45 or more and less than 75 per square mile. Teachers allotted: 1 for each 30 pupils in elementary grades, and 1 for each 25 in high school.

Group 4: All counties having population density of 19 or more and less than 45 per square mile. Teachers allotted: 1 for each 25 pupils in elementary grades, and 1 for each 20 in high school.

Group 5: All counties having a population density of less than 19 per square mile. Teachers allotted: 1 for each 20 pupils in elementary grades, and 1 for each 15 in high school.

By this act the State board of education was directed to certificate and classify all teachers upon the basis of academic and professional training and experience, and to fix a schedule of the minimum salaries which shall be paid to teachers in the various classes. The certificate issued to each teacher shall indicate the classification of such teacher.

In carrying out the provisions of this act the legislature stipulated that the State board of education shall use the common-school fund and such appropriations as shall be made for common schools, for the following purposes:

- (1) To pay all teachers (except county superintendents) salaries for not less than 7 months each year in accordance with the salary schedules prescribed by the State board of education.
- (2) To pay salaries of county school superintendents as now provided by law.
- (3) To pay each local school unit the cost of local administrative expenses, operating and maintenance of school plants, fixed charges, auxiliary agencies, transportation, etc., a sum sufficient, when added to the total amount which may be raised by such local school unit by a local levy of 5 mills, to equal one-third of the amount allotted to such local unit for salaries.
- (4) To pay the administrative expenses of the State department of education, State board of education, and State superintendent of schools, and such other State salaries and expenses as may be authorized by the State board and approved by the State superintendent.

The Legislature of *Idaho* revised chapter 205 of 1933 laws, governing the distribution of State school income funds to counties. Under the revised plan the State board of education shall compute annually for each county: The amount of money a 3-mill tax would provide, the receipts within county required by law to go to the county school fund, the receipts from the national forest reserve, the receipts from the minimum school district levies. To the total of these receipts, the State board shall add an amount sufficient to provide for each pupil who attended school in another district during preceding year the State's proportionate share of tuition due for such pupil. To the total thus obtained the State board shall add an amount sufficient to provide in each district a minimum educational program "which shall be as nearly as may be" \$120 per month for each elementary classroom unit and \$160 for each high-school classroom unit; "but the amount due any county as thus ascertained shall be considered to be not less than \$2,000."

The most outstanding *Kansas* legislation for 1937 affecting education is S. B. 125, commonly referred to as the State aid bill. By the enactment of this bill the State assumed definite responsibility for the financial support of public elementary schools, grades 1 to 8, inclusive, without the levy of additional property taxes. State funds for this purpose are made available from receipts of a sales tax. Under the State aid bill the State assured each elementary school having an average daily attendance of 12 or more pupils \$675. In order to participate in State funds, however, each district must levy at least 3 mills on district property, and must have also maintained 8 months of school the preceding year. The State pays the

difference between the yield of a 3-mill levy and \$675. Districts whose 3-mill levy will yield \$675 per each elementary school teacher do not receive State aid. No school shall receive State aid if its average daily attendance is fewer than 4 pupils (exceptions being made by reason of geographical isolation or transportation difficulties). State aid to districts with fewer than 12 pupils shall be such sum as shall represent the fractional difference between the amount of a 3-mill levy (if less than \$675) and \$675, that the average daily attendance is of 12.

The Legislature of *Maine* in special session in October (1937) added \$200,000 to the State equalization fund. Formerly the equalization fund consisted of only \$125,000 annually. The legislature decreased by 20 percent for the ensuing biennium the State subsidy for physical education, and also decreased in similar amount the State subsidy for industrial education.

The *Michigan* Legislature made substantial revisions to the Thatcher-Sauer Act. Among the principal changes are: (1) An increase of the total State aid for education from \$38,000,000 to \$43,000,000. (2) An increase in the minimum State program for elementary grades from \$48 to \$55 per pupil, and for high-school grades from \$65 to \$75 per pupil. (3) A change in the deductible primary interest school fund from "exact amount" to "not to exceed \$15,000,000" (this change was designed to enable local school districts to establish budgets with a greater degree of certainty). (4) Slight increases in minimum programs for schools in districts having fewer than 800 on the school census. The legislature in its appropriation act for the department of public instruction provided that the Governor may make such reductions in allotments as he deems necessary to keep the total expenditures of any fiscal year within the total revenue available for the said year.

The Legislature of *Nevada* amended the liquor-license law of 1935 by providing that, after deducting 5 percent of revenue derived therefrom for administrative purpose, 50 percent of remainder shall be apportioned to the State distributive school fund, 15 percent to the university contingent fund, and 35 percent to the State emergency employment bond interest and redemption fund. Previously the law provided that from the liquor-license tax there shall be apportioned annually \$100,000 to the State distributive fund, \$24,000 to the contingent university fund, and the remaining amount to the State emergency employment bond interest and redemption fund.

The *North Dakota* Legislature revised chapter 260 of 1935 laws on distribution of State equalization fund and stipulated that in determining whether a school district has made the maximum financial effort required in order to receive equalization funds the district must

have levied for the fiscal year a millage rate equal to that produced by the average of the prior 5-year levy (formerly it was the normal maximum tax rate fixed by law); and the district must show that all of its teachers are duly certified by the State superintendent and under contract to receive not less than the minimum salary provided by law. The law as amended provides that the moneys received from the State equalization fund on the basis of needs shall be used only for the payment of teachers' salaries for the current year. The maximum amount allowed from the equalization fund for high-school work by correspondence was increased from \$40,000 to \$65,000. This law also authorized the sum of \$20,000 annually from the equalization funds for use in matching the Federal program for vocational education under the Smith-Hughes and George-Deen Acts. After other proper charges against the equalization fund, the balance of said fund shall be distributed among the public-school districts and county agricultural and training schools of the State upon the basis of \$120 for each grade- or high-school teacher unit (formerly \$125 for each grade teacher unit, and \$150 for each high-school teacher unit). This act repealed the provision which required that "teacher-unit" shall be defined so as to effect "the discouragement of the maintenance of small schools and small classes." In lieu of the repealed provision, it was declared that in consolidated schools consideration "shall be given to the teacher-pupil ratio and to the territory served by such schools." Under the revised act no aid on teacher-unit basis shall be paid to any district unless it shall file with the county superintendent a statement giving the name of each teacher, the number of each teacher's certificate, the subjects taught by each teacher, and the monthly salary, which shall not be less than the minimum provided by law.

North Dakota also provided that the distribution of all moneys received from the United States by an act to promote the mining of certain minerals on the public domain shall be "credited to the State equalization fund provided by chapter 260 of 1935 laws and distributed pursuant to the terms of that act."

The Legislature of *Pennsylvania* appropriated \$3,000,000 to the department of public instruction for reimbursing fourth-class school districts upon certain increases of the salaries of members of the teaching staff of elementary schools. Funds for this purpose are derived from a privilege tax on stores.

The Legislature of *Rhode Island* increased the appropriation of State aid for the promotion of general public education from \$443,230 for the year 1936-37 to \$644,440 for the year 1937-38.

The Legislature of *South Dakota* provided that school districts shall receive 35 percent of the revenues of the 2-cent sales tax and

net income tax instead of the 32 percent thereof. Of the said amount, 28 percent shall be used to replace property tax in the school districts on the basis of the school census, and 7 percent distributed to distressed school districts on the basis of need, such distribution to be administered by a commission consisting of the Governor, the director of finance, the director of taxation, the commissioner of school and public lands, and the superintendent of public instruction. The Legislature appropriated \$12,500 annually during the biennium as aid to common-school districts containing Indian land.

The Legislature of *Tennessee* (Act 127) provided for an increase of approximately \$4,500,000 for schools, and set up provisions designed to bring about an equitable distribution of such funds. A circular from the State Department of Education, March 19, 1937, states:

This act is one of the most important pieces of legislation affecting public education in the history of the State. * * * It increases the elementary per capita apportionment to \$10 for each child in average daily attendance in the elementary schools and sets up a supplementary fund to enable the elementary schools to operate for a term of 8 months each year on the basis of the minimum State program set forth in the law. The act also increases the per capita fund to be distributed among the several counties maintaining high schools and complying with the State laws and the regulations prescribed by the State board of education applicable to approved high schools to participate in this fund.

Other provisions of the act include:

All appropriations provided for in the new act are made upon the assumption that the revenues of the State will be sufficient to meet said appropriations. Hence, the full operation of the schools under the provisions of the new act will depend on whether or not the State legislature provides sufficient revenues to meet the appropriations provided by the act.

Furthermore, the Tennessee Act (127) (1) directs the State board of education to adopt a minimum salary schedule for all teachers employed in the public elementary schools of the State, based upon "training and experience of said teachers"; (2) directs all boards of education to employ elementary teachers and principals on or prior to May 1 next preceding the scholastic year for which such teachers shall be employed; (3) provides that upon receipt of such list of teachers from the respective school boards the Commissioner of Education shall "determine the salary rating of each teacher employed in the schools of the counties, cities, and independent school districts participating in the funds appropriated. This act provides a minimum elementary education program for each county, which program shall be determined (1) by ascertaining the total monthly salaries of elementary teachers employed, in keeping with the State salary schedule, and multiplying this sum by 8 for an 8 months' term; and (2) by

adding to the product thus determined 20 percent thereof for current operating expenses other than for teachers' salaries."

The *Texas* Legislature amended chapter 35 of 1935 laws (1) by increasing from \$5,000,000 to \$5,500,000 the general annual appropriation for equalizing educational opportunities; (2) by providing distribution of State aid so as to assist all schools having not fewer than 20 nor more than 400 (formerly 500) scholastics; (3) by authorizing the State superintendent of education to allow an increase of 20 percent in teachers' salaries which are less than \$100 per month, and 15 percent increase for teachers whose salaries are over \$100 per month (no salary to be less than \$85 per month on an 8-month basis); and (4) by specifically allocating \$846,198 annually for high-school tuition aid, \$972,683 for transportation, and \$787,800 for aid in matching Federal funds for vocational education. The Legislature of Texas also made a supplemental appropriation to the emergency rural school aid of \$1,080,000, with the stipulation that no funds shall be granted to any school district which paid out any funds to any person or association for the purpose of securing legislative aid, and provided a committee to approve the aid to be granted through this supplemental appropriation.

The *Utah* Legislature created a uniform school fund, consisting of receipts derived from the United States under the Federal Leasing Act of February 25, 1920, from leases and rentals of school lands and other State lands, and from constitutional and other legislative allocations. All of the said fund remaining, after deducting the amounts specifically allocated to various educational institutions by the constitution, shall be apportioned by the superintendent of public instruction as follows: 50 percent for school districts, and 50 percent for junior colleges, the State university, and the State agricultural college.

The 50 percent allotted by the legislature for school districts shall be divided among the districts by the superintendent of public instruction "under rules prescribed by the State board of education, in such portion as will, when added to other moneys available from all other sources, establish and maintain educational standards or facilities that will provide, as nearly as possible, equal educational opportunities for all children of school age throughout the State. * * *

All money in the uniform school fund available for the district schools in excess of the amount required to maintain uniform standards of instruction as prescribed by the State board of education shall be divided among the school districts in such proportion as will permit uniformity in other school activities prescribed by the State board of education * * *"; provided, that no part of the moneys apportioned to the various school districts shall be used for school

buildings or improvements thereto, or for payment of school bonds or other debts.

The 50 percent of the uniform school fund apportioned to junior colleges, the State university, and the State agricultural college "shall be that proportion of the total amount available which the average number of full-time students enrolled during the preceding school year in each institution bears to the total enrollment of all said institutions," except the enrollment of the State university and the State agricultural college shall first be multiplied by 1.25 and the product shall constitute the enrollment of the said institutions for the purpose of this apportionment.

The *West Virginia* Legislature appropriated \$13,250,000 for each year of the biennium to supplement the general school fund, with the stipulation that \$12,100,000 of said sum each year shall be paid in primary aid to school districts in the manner prescribed by law, such distribution to include payment of teachers' salaries for 8 months, and the remainder to be distributed to districts in the same manner as provided by law for primary aid but which may be expended by school boards for current general school expenses. The balance of this fund and of any remaining in the general school fund shall be distributed as supplemental or secondary aid to school districts in the manner provided by law; provided, that payment of such aid shall first be approved by the board of public works.

The Legislature of *Wisconsin*, in its budget law, appropriated \$5,200,000 in aid of elementary schools. This appropriation is allocated as follows: Budget A, \$4,335,000, which must be paid in full, and Budget B, which includes an appropriation of \$865,000, which additional sum is to be paid as ordered by the State emergency board when revenues permit.

The *Wisconsin* Legislature also enacted a high-school aid and tax law which aims to provide \$1,385,000 annually as aid to districts and cities having one or more 4-year high schools, to union and consolidated free high schools, to State-graded schools offering high-school work, and to rural schools giving advanced courses. This appropriation is to be apportioned as follows:

- (1) Two hundred dollars for each year of high-school work.
- (2) After payments under (1) have been provided the balance of the appropriation shall be distributed in proportion to the number of pupils in A. D. A. during preceding school year in the 9, 10, 11, and 12 grades of high schools, state-graded schools offering high-school work, and rural schools giving advanced courses.
- (3) Tuition bills for nonresident pupils shall be credited with amounts received under (2).

The elementary aid of \$5,200,000 and the \$1,385,000 high-school aid have prior claim upon the State school revenue.

Wyoming provided that all funds received by the State from the United States Government under the act of June 28, 1934, known as the Taylor Grazing Act, shall be deposited with the State treasurer who shall distribute the same to the several counties in which such public lands are located. All money received by the counties from the lease or sale of public lands under the said act shall be placed to the credit of the general school fund of the county, to be proportionately allocated by the county treasurer to the various school districts in which lands are located and from which the funds are allocated.

SCHOOL REVENUE

The most noticeable recent tendencies in school tax legislation have been: (1) To utilize and develop nonproperty tax systems, and (2) to reduce property tax as a source of State school revenue. These tendencies continued in evidence during 1937 and 1938. No new or other noteworthy tendencies have been manifested. In order to indicate the general character of legislation affecting school taxes a résumé of the principal acts during the biennium are here included.

Alabama, in 1937, levied additional "privilege or license tax" on various types of business and amusements. This act provided that an amount necessary "for the replacement in the public-school fund of the 3-mill constitutional levy for schools and in the general fund of the 1-mill levy for soldiers' relief and the 2½ mills for general purposes lost by any exemption of homestead * * * shall be first charges against the proceeds" of the said license tax.

The Legislature of *California* repealed existing law fixing maximum tax rates for school districts and provided the following maximum rates:

- (1) Elementary districts not coterminous with high-school districts: 8 mills for elementary schools—9 mills if kindergartens are maintained (instead of maximum of 10 mills, 11½ mills if kindergartens are maintained).
- (2) High-school districts not coterminous with elementary school districts or junior college districts: 7½ mills—10 mills for high-school and junior-college purposes (instead of 7½ mills for all purposes).
- (3) Junior-college districts not coterminous with high-school districts: 8 mills (instead of 5 mills).
- (4) Unified school districts: 15 mills for elementary and high-school purposes, 16 mills if kindergarten included; or 17 mills for elementary, high-school, and junior-college purposes; or 18½ mills for kindergarten, elementary, high-school, and junior-college purposes (instead of 10 mills for elementary purposes, 1½ mills if kindergartens included, 7½ mills for high-school purposes, and 5 mills for junior-college purposes).
- (5) Coterminous high-school and junior-college districts governed by the same board: 11 mills (instead of 7½ and 5 mills, respectively).

The Legislature of *Colorado* granted a State personal and corporate income tax. A constitutional amendment authorizing such a tax was approved at the November election in 1936. This new income-tax law provides, after making certain deductions for administration of the act, that the State treasurer shall place the remaining revenue collected thereunder in a fund to be known as "Reserve for general county school funds." Upon this fund the State treasurer shall draw his warrant for the purpose of replacing the property tax, in whole or in part, now authorized by law in chapter 146, 1935.

Indiana fixed the maximum tax levies as follows: State, 15 cents; rural districts, \$1.25; cities, \$2; and provided a new method of selection and qualification of members of county tax adjustment board. Variations from the rates stated above may be made in cases of "reasonable necessity."

Kansas levied a "retailers' sales tax," including taxes on amusements and certain services. This act provides that from the receipts of the retail sales tax the sum of \$2,500,000 shall be allocated to the "State school aid fund."

Missouri reenacted and revised the retail sales tax law of 1935. The sales levy was increased from 1 percent to 2 percent. The revenue from this tax goes into the general State treasury, from which one-third of the general revenue of the State is appropriated for schools. It is estimated that this increased levy will make possible a substantial increase of funds available for schools during the biennium.

Montana levied a license tax on all persons, associations, or corporations owning or operating a telephone business and allocated 50 percent of the net receipts therefrom to the State public school general fund.

Nebraska authorized cities or school districts, or both jointly, upon approval of 60 percent of the voters, to levy one-fourth mill for recreation purposes.

Pennsylvania levied an annual license tax for the privilege of operating a store or theater and provided that the taxes and fines received from such levies shall be credited to the State school fund.

The Legislature of *Utah* amended section 75-12-11 of 1933 General Code by fixing a maximum tax limit of 10 mills for schools in districts having more than \$2,500 assessed valuation per child of school age. This increased the maximum levy in districts of this class; formerly the maximum levy in wealthier districts was graduated according to assessed valuation in a manner which fixed a lower maximum levy, ranging as low as 7 mills in districts having more than \$5,000 valuation per school child.

Washington limited the aggregate annual tax rate on real and personal property for State, county, town, school district, and road purposes to 40 mills (the school levy shall not exceed 10 mills) and

limited the State levy to 2 mills for the support of the State university, Washington State College, and normal schools. The rate stated above is based on assessed valuation which shall be 50 percent of the true and fair value of the property; provided that any county or school district may levy an additional rate when authorized by a three-fifths vote of the electors voting on the proposition.

Wyoming enacted a "selective sales tax," and provided that from the receipts therefrom there shall be annually appropriated to the State school equalization fund \$287,000 or so much thereof as may be necessary, payable in six equal monthly installments, to be distributed by the State board of education as provided by law. This act provides that any excess from the sales tax shall be used to reduce property taxes.

CURRICULUM

The practice of prescribing by legislation the subject matter to be taught in public school has been often questioned. This procedure, however, widely continues. Legislative action affecting the curriculum appears during each succeeding biennium.

Legislative action in two States, *Arkansas* and *Vermont*, contained prescriptions governing the teaching of the effects of alcoholic drinks. The Legislature of *Arkansas* required the State board of education to revise the present course of study for public schools so as to include the teaching in grades 3 to 8, inclusive, the effects of alcohol and other narcotics on the human system. The State textbook commission was directed to require textbooks on physiology and hygiene for the said grades to include "a simple, scientific treatment on the effects of alcohol and other narcotics on the human system, which textbooks shall be free from political propaganda, and shall contain complete, detailed, and scientific information on the subject, to be taught as a unit of work every year * * *. Adequate time shall be given to teach the subject efficiently in each grade. The work in the subject * * * shall be a part of the work for promotion from one grade to another." The State course of study "shall" provide teachers' aids and devices for the assistance of teachers in teaching these subjects. A penalty from \$25 to \$500 is provided for violation of this act.

The *Vermont* Legislature repealed that part of section 4234 of the public laws which required the State board of education to prescribe 6-year, 8-year, and 9-year elementary courses of study, by requiring that only the 8-year course be prescribed. In this act the legislature required that the elementary course of study include instruction in elementary physiology and hygiene with special reference to the effect of alcoholic drinks and narcotics on "the human system and society."

The legislature repealed most of the statutory prescriptions as to subjects which shall be taught in the general elementary schools, but required, that in high school instruction shall be given in political science, health and physical education, sociology, including the effects of alcoholic drinks and narcotics "on human society," commercial subjects and mechanical arts. This act provided that junior high schools shall have a 3-year course instead of a 4-year course.

The following are examples of legislative action relating to the curriculum in a few other States:

Indiana required that instruction in the first 12 grades of all public and private schools be so arranged as to give "special emphasis to common honesty, morality, courtesy, obedience to law, respect for the national flag, the Constitution of the United States and the Constitution of the State, respect for parents and the home, the dignity and necessity of honest labor and other lessons of a steadying influence, which tend to promote and develop an upright and desirable citizenry." The State superintendent of public instruction was directed to prepare outlines of study for this purpose.

Massachusetts required instruction concerning the State constitution in all public high schools; and required all State teachers colleges to give instruction on the constitutions of the United States and of the State "for the purpose of fitting the students, morally, and intellectually, for the duties of citizenship and of school districts." Massachusetts also required the teaching of the Italian language in any high school having not fewer than 150 pupils upon the written request of parents or guardians if not fewer than 15 pupils and where the enrollment is not fewer than 25 properly qualified pupils.

Mississippi authorized the State board of education to add courses to the elementary-school curriculum other than those prescribed by statute; and prescribed the following subjects in the high-school curriculum:

Mathematics, English, history, and social science, pure and applied science, including agriculture, home economics, and manual arts, safety on the highways, and such other subjects as may be added by the State board of education.

Montana required all public schools to give instruction in "music, art, elementary agriculture, including cooperative economics." Furthermore, the legislature designated September 17 each year as "Constitution Day" and prescribed "That all public schools and high schools * * * shall observe 'Constitution Day' by conducting appropriate exercises in commemoration thereof under the direction of the superintendent of public instruction."

New Hampshire directed the State board of education to distribute copies of the State constitution and election laws to all teachers of

history and civics in the upper grades of the elementary schools and to teachers of United States history in junior and senior high schools to be used by them in instructing their pupils relative to the laws governing elections and voting. The Secretary of State is required to furnish the State board of education with such number of copies of the State constitution and the election laws as shall be necessary for this purpose.

The Legislature of *North Dakota* required the superintendent of public instruction to provide in the high-school course of study "for an elective course of instruction in cooperative marketing and consumers' cooperatives."

The Legislature of *North Dakota* also stipulated that—

No educational institution receiving aid or support from the State of *North Dakota* shall require, directly or indirectly, any student to enroll in courses in military training and tactics as a condition or prerequisite to taking any other course in said instruction or enjoying any other privileges offered by said institution to its students. It shall be the duty of the State board of administration to enforce this provision. * * * Nothing herein shall be construed to prevent or prohibit any institution as aforesaid from offering courses in military training and/or tactics as elective courses.

The Legislature of *Oklahoma* declared it to be the policy of the State in connection with the conservation of the natural resources to provide definite instruction to the youth of the State, and directed the State board of education to adopt courses of study covering the subject of conservation of natural resources.

The Legislature of *Wisconsin* amended subsection 1 of section 40.225, of school law, concerning advanced courses in rural schools, by inserting after the enumeration of subjects this sentence: "These subjects may be alternated or staggered over a 2-year period in the program so as to make allowance for time."

See *Textbooks*, page 20, for information on legislation in *Florida* concerning the course of study.

TEXTBOOKS

During the biennium noteworthy legislative action occurred in several States relating to textbooks for school children.

By an initiative act in *Arkansas*, which was approved at the general election November 3, 1936, the State was required to provide basal textbooks for all pupils in the public schools, without cost to pupils, in grades 1 to 8, inclusive. The purchase and distribution of textbooks is under the management of the State commissioner of education, subject to the approval of the State board of education which shall make rules and regulations necessary for the purpose of this act. In 1937 the Legislatures of *Arkansas* created a county text-

book board consisting of the county judge (chairman), county examiner (executive secretary), and the county treasurer (treasurer). The board is required to provide a suitable place for storage of textbooks and to distribute the books to the several districts of the county in accordance with the provisions of Initiative Act No. 1, 1936. Under this act the county examiners (county superintendents of schools) are required to devote full time to the duties of their office and to supervise the administration of the textbook laws.

The *Florida* Legislature enacted a new plan for determining the State course of study and for selecting and purchasing free textbooks "at the expense of the State." Under the new plan the State board of education, upon recommendation of the State superintendent of schools, shall appoint every 4 years a *committee on course of study* composed of nine persons engaged in teaching or supervision of public elementary and secondary schools, and teacher-training institutions of the State (with the State superintendent an *ex officio* member). The duties of the committee are:

1. To examine courses of study used with a view of utilization of best ideas.
2. To prepare for consideration and approval by the State board of education courses of study for public elementary and high schools.
3. To submit annually to the State superintendent a report and recommendations concerning advisable changes in course of study, curriculum, textbooks, and instructional aids for teachers, while the State superintendent shall consider and transmit, together with his recommendations, to the State board of education for final decision as to what change, if any, shall be made.

The act authorizes the State board to adopt textbooks for 3-year periods and to enter into contracts with publishers therefor. Each year after the State board has received bids or proposals for textbooks the president thereof, upon recommendation of the State superintendent, shall appoint a *textbook rating committee* to be composed of seven members actively engaged in teaching or supervision of elementary and secondary schools and teacher-training institutions of the State, and representing the major fields and levels in which changes in textbooks are to be made. The State superintendent shall be an *ex officio* member of the committee. The textbook rating committee shall examine each book submitted, taking into consideration "subject-matter, treatment, printing, material, and mechanical make-up," and rate it according to its suitability, usability, and desirability. The committee shall submit its findings to the State board of education for transmission to the State textbook purchasing board (The board of commissioners of State institutions), indicating in relative order the three most suitable, usable, and desirable books on each subject for the grade in which it is to be taught. "No book which treats a subject in a par-

tisan manner shall be included in the list of suitable, usable, and desirable books." "For the purpose of creating a special * * * State textbooks fund for * * * carrying out * * * this act * * * there shall be levied and collected" annually in the various counties of the State a tax of three-fourths of 1 mill.

The Legislature of *Georgia* abolished the special textbook commission and vested its functions directly in the State board of education. The said board was authorized to prescribe uniform textbooks for use in the public schools and/or to provide by regulation for multiple listing of books for use in the various grades, and permit local school superintendents to exercise a choice of the books so listed. This act directs the State board of education to select a committee or committees of educators in State public schools to examine textbooks and to make recommendations thereon to the State board. The State board of education is directed to inaugurate and administer a system of free textbooks for the public schools of the State, and to enter into such contracts as may be necessary for that purpose; or, "If the State board of education shall find it advantageous to * * * provide for publishing any or all of the textbooks required to be used * * * it is authorized * * * so to do." The expense of administering this act shall be paid by the State board of education from such funds as may be provided by the general assembly for that purpose; provided, however, that nothing in this act shall be construed to prevent the boards of education of various counties and independent systems from furnishing free textbooks or school supplies from local funds, or furnishing such books and supplies on a rental basis, for all grades in addition to the free textbooks supplied by the State board of education.

The Legislature of *Kansas* abolished the State school-book commission and transferred the authority of that commission to the State board of education. For the purpose of carrying out the provisions of the new law the membership of the State board of education was increased by adding to the membership the State printer and the State business manager. The new law provides also for a textbook advisory committee of nine members to be appointed by the State board of education. A majority of the members of the advisory committee shall be supervisors, principals, superintendents, or teachers in the high and elementary schools of the State. The advisory committee is required to submit at least two textbooks for each subject, one of which may be printed by the State printer, together with an abstract which shall state definitely the reasons for their recommendations. The State board of education must select from the list of texts recommended to them by the textbook advisory committee. The law provides that only as many books may be adopted in any one year as will cost approximately one-fifth the amount of the total cost of

all textbooks for the elementary grades. The Legislature of Kansas also authorized and directed laboratory tests to be made in the public schools of new school textbooks proposed to be adopted.

Among the legislative acts of other States relating to textbooks are: *Illinois* authorized boards of school districts "To purchase textbooks and rent the same to pupils of the school." *Iowa* authorized boards of school directors of any school corporation to purchase textbooks for public-school pupils and to sell, or "loan such textbooks to such pupils free, or rent them to * * * pupils at such reasonable fee as the board shall fix"; and provided for certain restrictions concerning the purchase and rental of such books. This act provides for the establishment of a county system for the purchasing of textbooks for the respective school districts. *Michigan* required school boards to furnish free textbooks to children needing relief. Relief is deemed necessary by the board based upon the report of the truant officer that the child is unable to attend school because his services are required to support himself or to assist in the support and care of others legally entitled to his services. *Nevada* required the board of school trustees of each school district to furnish not only all new text and supplementary school books but also "school supplies necessary to carry out the mandates of the school curriculum."

The *Tennessee* Legislature repealed the laws governing the composition of the textbook commission and the selection of textbooks, and created a new State textbook commission of seven members consisting of the commissioner of education, *ex officio* member and secretary, and six other persons appointed by the Governor, one of whom shall be a county superintendent, one a city superintendent, one a high-school principal, one a teacher or supervisor of schools below the ninth grade, and one a teacher or supervisor of high-school subjects. All members must be holders of a degree from a 4-year college and have 5 years' teaching, supervisory, or administrative experience. The new textbook commission is directed to prepare each year a multiple list of four textbooks in each subject (if such number is available and of sufficient merit to warrant being listed) as approved textbooks for use in the elementary and high schools of the State; provided, however, that six books may be listed for supplementary use in the subject of reading. County or district boards of education are required to adopt from the multiple list basal lists for use for a period of not less than 3 nor more than 5 years. The Legislature of Tennessee also provided a special privilege tax for advertisers who use space on free sanitary covers to be furnished and used on textbooks in the public schools; designated the kind of covers and advertising that may be used; and provided for the appointment and tenure of an advertising commission of three persons at a salary of not more

than \$3,000 each, such sums to be realized from the sale of advertising space on school-book covers. This act, as a sanitary measure, stipulates that no textbooks adopted and used in the elementary school shall be resold, exchanged, or otherwise used as a textbook by any other pupil than the original owner thereof or his or her brother or sister, unless the book thereof has been kept covered with paper or other material in a manner prescribed by the advertising commission.

In *Texas* the Legislature authorized and requested the State board of education to take steps to furnish a free textbook on the reading of music for students studying the subject in public schools.

SCHOOL ATTENDANCE

During the biennium the problem of regulating school attendance received legislative consideration in many States. Perhaps the most noteworthy enactment in this field occurred in *South Carolina*. In 1937 the legislature of that State enacted a "Regular school attendance law" and appropriated \$76,800 for the administration thereof to be distributed as follows: To each county \$1,400, plus \$100 for each member of the house of representatives such as County has in the general assembly, which shall be used for payment of the salary and expenses of the "regular school attendance teacher," which salary shall not exceed \$1,500 per annum. The said teacher shall be elected annually by the county board of education.

This act stipulates that within 30 days after the opening of schools each year the trustees of each school district shall make or cause to be made "a complete census of all children of school age therein, that is, between the years of 7 and 16, inclusive, who had not enrolled" in school during the said 30 days. The names of said children shall be reported to the county superintendent of education who shall certify the same to the county attendance teacher who shall immediately contact the parents or guardians of such nonattending children "with the object in mind of having such children enrolled in the most conveniently located school" and of seeing that such pupils shall attend school "during the State supported term." If any nonattending children lack books or suitable clothing necessary to attend school such facts shall be reported by the attendance teacher to the social and civil organizations of the county for such action in the premises as to said organization shall appear proper. This act stipulates that "All parents and/or guardians financially able shall compel their children of school age" to attend school regularly and imposes a penalty for any wilful neglect or refusal to do so.

The school attendance teacher provided for in this act shall hold a bachelor's degree from an accredited college or one who has had 2 years' successful teaching experience and holding a first-grade teach-

ing certificate; provided, that any person who has served as county superintendent of schools within the last 4 years shall be qualified for appointment as attendance teacher. Such attendance teacher must also be certified by a practicing physician to be free from contagious or communicable diseases. Furthermore, "The said attendance teacher shall possess the qualities essential to a proper approach, shall form the connecting link between the home and schools * * * and it shall be her duty * * * to enter nonattending and truant pupils in school work, and to influence them by means of persuasion, if possible, to attend school regularly without compulsion. In the event that a pupil wilfully and without just cause or excuse habitually absents himself or herself from school, such pupil shall be reported to parents or guardians who shall compel the proper attendance of such pupil in school. It is believed that women make the best attendance teachers, but nothing in this act shall be construed to mean a man may not be appointed attendance teacher."

In 1937 the *New York* Legislature required attendance officers to be 21 years of age, to be in proper physical condition, and to have completed a 4-year high-school course or its equivalent. Candidates are required to take a written examination before a municipal civil-service commission or, if not appointed from the civil-service list, before a special board consisting of the president of the board of education, the principal of the high school, and the local superintendent. The law provides that in the establishment of an eligible list, advanced education, experience in teaching, in social service, and in business or in the professions, shall be considered. Attendance officers appointed from an eligible list prepared by board of examiners in a city are exempted from the provisions of this act. In 1938 the *New York* Legislature provided that in each city and in union free school districts having a population of more than 4,500 and employing a superintendent of schools, the board of education shall have power to require minors from 16 to 17 who are not employed to attend upon full-time day instruction.

The following is a résumé of measures enacted in other States relating to school attendance:

Alaska exempted from the compulsory school attendance provisions children who have completed the eighth grade. *Hawaii* required children to attend public or private schools between the ages of 6 and 16 instead of between 6 and 14, and exempted from such attendance any child who has passed the eighth grade and resides more than 4 miles from any public school teaching classes above the eighth grade, and any child who, prior to September 1, 1937, had left school by reason of having attained the age of 14 years.

Oklahoma made the minimum school age effective at 7 years of age instead of 8 years. *Rhode Island* provided that children shall attend school in the city or town wherein the educational facilities are approved by the school committee of the city or town wherein the children reside. Previously a child could be required to attend only in the city or town where the child resided. *Vermont* provided that the superintendent may, *with the consent of a majority of the town school board*, excuse any pupil from attending school who is 15 years of age and who has completed the first 6 years of the elementary school course (formerly completion of "the rural school course" was required) when the services of such pupil is needed for support of those dependent upon him or for other sufficient reason. [Part underscored new.] *Wisconsin* required all children coming within the provisions of the law to attend a public, parochial, or private school during the full period and hours in which the school is in session. Previously attendance was required for only 6 months in towns and villages.

HIGHER EDUCATION

Legislation in recent years has shown a tendency toward a gradual increase of State control over both public and private higher education. This tendency is still in evidence during the 2 years here reviewed. It is impracticable here to cover in detail the numerous measures enacted touching upon every phase of higher education. Consequently only a few examples are mentioned. For information concerning legislation affecting private higher educational institutions, see the section on *Private Schools* of this chapter. Perhaps the most outstanding legislation affecting the administration of higher education in a single State appeared in Georgia in 1937. (See Georgia under *State School Administration, Organization, and Functions*, page 2.)

Junior colleges.—Legislation in the field of higher education comprised an unusual number of measures providing for the establishment and maintenance of junior colleges. The Legislature of *California* reorganized the school code sections relating to junior colleges. The governing boards of high-school and junior-college districts maintaining junior colleges were authorized to maintain 4-year junior colleges with the approval of the superintendent of public instruction and the State board of education in grades 11 to 14, inclusive. This act provides that State apportionments based on average daily attendance in 4-year junior colleges shall be made entirely from State junior-college fund, and also authorized the maintenance of special day and evening junior-college classes. Furthermore, the act increases from \$3,000,000 to \$5,000,000 the minimum existing

valuation required of a high-school district in order to establish junior-college courses.

The *Colorado* Legislature enacted what is known as the "Junior College Organization Act," providing for the establishment, support, and organization of junior colleges and declared such colleges to be an "integral part of the public school system of the State." This act defined junior college as an educational institution providing not to exceed 2 years of training in the arts, sciences, and humanities beyond the twelfth grade of the public high-school curriculum "and/or" vocational education. It further authorized the establishment of a junior college in the area of two or more counties if such area has a school population of 3,500 or more and a valuation of \$20,000,000 or more, upon a petition of 500 electors of the county or counties of the area having the qualifications, and upon a majority vote of the electors in an election on the matter. The act provides that the local administration of said college shall be vested in a junior-college committee of five members appointed for 6-year terms by the assembled directors of the school districts comprising a part of the junior-college area. The nomination of said committeemen may be by petition of 100 qualified electors. The junior-college district shall constitute a "body corporate." The junior-college committee is charged with the duty of determining the financial and educational policies and selection of competent administrators and instructors, to fix fees and rates, etc. The act contains provisions whereby adjoining school districts may become annexed to the junior-college district. This act also amended certain sections of the *Colorado* Statutes governing the apportionment of the general school fund. It provides that in junior-college districts apportionment shall be made adequate to pay one teacher for each seven pupils enrolled in full-time work in the junior college. The apportionment shall be made only to those junior-college districts that have made a special levy for the junior college at a certain specified rate.

In *Illinois* the legislature authorized the board of education of any school district maintaining a 4-year high-school course and having 25,000 and less than 200,000 population, upon advice of the superintendent of public instruction, to establish and maintain a junior college consisting of not more than 2 years of recognized college work beyond the 4-year high-school course, as part of the public-school system of such district. This act also provides that a board of education in any school district having more than 10,000 and less than 25,000 population may, after seeking the advice of the State superintendent of public instruction, provide by resolution that a proposition for the establishment and maintenance of a junior college be

submitted to the voters for their determination. Upon a majority vote favorable to the proposition a junior college may be established.

The Legislature of *Kansas* provided for the establishment of a junior college in certain districts (applicable only to Highlane). The course of study of the junior college shall be prescribed by the State board of education and shall be equivalent to the course of study in the first and second years of an accredited college. The Legislature of *Kansas* also authorized an increase in municipal property taxes from $1\frac{3}{4}$ mills to 2 mills for the support of municipal universities.

The Legislature of *Kentucky* authorized boards of education of cities of the second class to establish and maintain "municipal junior colleges" and to levy not less than 5 nor more than 7 mills for such purpose. Municipal colleges established under this Act shall be under the control of the city board of education and be a part of the public-school system and shall afford "instruction in arts, sciences, and professions." Municipal junior colleges may charge each pupil attending a tuition fee of not to exceed \$100 per annum, to supplement the tax provided for general maintenance purposes.

The *Michigan* Legislature authorized the establishment of a junior college in a city of less than 14,000 population, provided a proposal to that effect is approved by a referendum vote of the electors of the city. Previously 14,000 was the minimum population required for the establishment of a junior college. The establishment of junior colleges in cities of less than 14,000 population is accomplished by a referendum, whereas in cities of 25,000 or more population the board of education is authorized to establish junior colleges.

South Carolina authorized the Public Works Administration of the Federal Government to construct and equip a junior college in Union County and stipulated that such project shall be self-liquidating and no liability whatsoever shall be imposed upon the said county for the cost of the same.

The Legislature of *Texas* added a new section 17 (a) to the junior-college law of 1935. The new section provides that a proposed junior-college district may have less than 7,000 scholastic enrollment but not less than 5,000; and where the State board of education finds that the proposed district is a growing section and that there is a public convenience and necessity for such junior college. The legislature also validated the organization and creation of all junior-college districts heretofore established.

Miscellaneous provisions relating to higher institutions.—Among the States enacting legislation pertaining to the curriculum of higher institutions are California, Florida, and Wisconsin. The Legislature

of *California* authorized the director of education, with the approval of the State board of education, to establish Reserve Officers' Training Corps courses in military science and tactics in any one or more of the State colleges. This act provides that enrollment in such courses shall be voluntary and that instructors in such courses shall not be considered as faculty members. *Florida* provided for the establishment of a school of forestry in the State university and appropriated \$25,000 annually therefor or as much thereof as may be found necessary. *Wisconsin* appropriated \$12,000 annually for establishing and maintaining a chair of Gaelic and Irish history and literature at the University of Wisconsin.

The Legislature of *Michigan* authorized the State board of education to borrow money for the purpose of financing the erection of residence halls and social centers at the State normal college and the State teachers colleges. The law provides for a collection from each student enrolled in the institution of a reasonable fee for the use of or the maintenance of the social center. The legislature also authorized the State board of education to collect from each student enrolled in any State teachers college a reasonable fee for the purpose of fostering athletics, oratory, debate, and similar student activities, for giving student lectures and musical courses, and for the maintenance of a student health service in the individual institutions.

The Legislature of *Tennessee* stipulated that no person shall hereafter be elected as president of any State teachers college unless such person shall have earned the "master of science or the master of arts degree" from a recognized college or university, acquired by pursuit of regular courses of study required for such degrees. "Such persons shall also have literary and scientific attainments and skill and experience in school administration."

In 1937 the *United States Congress* changed the name of the "Southeastern University of the Young Men's Christian Association" in the District of Columbia to "Southeastern University," and authorized the university to establish from time to time additional "schools in all departments of science, liberal arts, and the professions, and the courses of instruction therein," and to grant and confer degrees upon the recommendation of the appropriate school.

For information relating to teacher-training institutions see the following section on *Teacher Training and Certification*.

TEACHER TRAINING AND CERTIFICATION

During the biennium here reviewed an unusual number of State legislatures modified the provisions governing the training and certification of teachers. Among the legislative tendencies manifested in

this field are: (1) Further centralization of certification of teachers in State school authorities rather than local; (2) increase in professional qualifications of both school superintendents and teachers; and (3) the authorization of the issuance of certificates in special fields.

The Legislature of *Colorado* provided that after September 1, 1937, all county examinations for teachers' certificates shall be discontinued, and thereafter all teachers' certificates shall be issued by the State superintendent of public instruction except such certificates as are issued by the State normal schools or State teachers colleges (not applicable to teachers' certificates issued by boards of education prior to July 15, 1923, which are now in force). By this act the State superintendent was authorized to grant temporary certificates to teach in the elementary schools to applicants who have taught in the State 36 months on a county certificate and who have secured 60 semester hours of standard college credit approved by the State superintendent. These certificates may be renewed upon completion of 8 semester hours of approved college credit. This act provides that permanent certificates may be issued by the State superintendent to holders of temporary certificates who have taught at least 9 months and who have an A. B. degree or its equivalent and comprising 120 semester hours of college credit, with 20 hours of credit in educational subjects, including 4 hours of practice teaching (3 years' teaching experience may be substituted for the 4 hours' practice teaching).

The *Kansas* Legislature repealed numerous sections of the "General Statutes of 1935" governing teacher certification and enacted new provisions on the subject effective July 1, 1937. Under the new law the county superintendent shall no longer issue teachers' certificates but the State board of education shall have exclusive authority to issue "teacher's, supervisor's, and administrative officer's certificates," including certificates for kindergartens, grade schools, junior high schools, high schools, and public junior colleges. The new law provides that "no certificates to teach in the schools of Kansas shall be issued or any permission to take [teacher's] examinations shall be granted unless such persons shall be certified by the board of education to have completed a regular 4-year high-school course, during which time they must have taken an accredited normal-training course; or, having completed the high-school course, they may take a minimum of one year's normal-training work in an accredited high school, junior college, or college offering teachers' training course, and accredited for such purpose by the State board of education."

The Legislature of *Nebraska* effected a complete revision of the teacher-certification laws of the State. All certificates are to be

issued by the State superintendent of public instruction. The revised measure stipulates that all applications for certificates shall include "positive evidence as to the physical fitness and health condition of the applicant." The former legislative classification of certificates was abolished and a new classification with the following minimum initial requirements was established:

- (1) *Third-grade elementary*.—Twelve semester hours of college, including 6 hours in education, or graduation from a 2-year normal training course.
- (2) *General elementary certificate*.—Thirty semester hours of college credit, including 10 hours in education; valid for 3 years in kindergarten to eighth grade.
- (3) *Junior elementary certificate*.—Sixty semester hours of college credit, including 15 hours in education; valid for 3 years in kindergarten to eighth grade, inclusive.
- (4) *Senior grade certificates*.—Ninety semester hours, of college credit, including 15 hours in education (3 in teaching under supervision, or in cadeting, or equivalent); valid for 5 years in kindergarten to tenth grade, inclusive.
- (5) *Secondary school certificate*.—Graduation from a 4-year course of a standard college, based on not fewer than 120 semester hours of credit, including 18 hours in education (from 3 to 6 hours must be in teaching under supervision or in cadeting or equivalent), and at least 15 hours credit in each of two or more generally recognized subject-matter fields; valid for 5 years in grades 7 to 12, inclusive.
- (6) *Administrative and supervisory certificate*.—Requirements similar to that required for secondary school certificate; valid for 5 years for teaching, administration, and supervision in all elementary and secondary schools.

The revised plan should stimulate teacher improvement in the service, as it also provides for provisional and professional school certificates in each of the six above classes, based on additional professional training and successful experience. This measure also required State normal schools and teachers colleges to establish a course or courses of study for rural teachers which "will adequately fit the persons thus trained for teaching positions in rural schools."

The Oregon Legislature made a number of changes affecting the certification of teachers. Twelve months' teaching or school supervisory experience within the State was required in order to become a candidate for county superintendent; such experience must have been within the 3 years immediately preceding election. Provision was made for the issuance of school administrators' credentials based upon rules and regulations adopted by the State board of education. The legislature also required supervised teaching and 4 term hours in courses in Oregon history, Oregon school law, and Oregon system of education at a standard college, university, or normal school as a requirement for certification to teach in the elementary or high schools

of Oregon. Furthermore, the training required for high-school certification was increased by easy stages beginning January 1, 1939, to extend to 1 year beyond the bachelor's degree after January 1, 1943, and provided for a 1-year certificate and 5-year certificate; the latter certificate may be renewed and in effect amounts to a life certificate for those who continue to teach. Provision was made for the issuance of special certificates to teachers of atypical children by the superintendent of public instruction.

In addition to the acts mentioned above relating to the training and certification of teachers, a few other examples of legislative changes in this field may be of interest here. *California* provided that the State board of education shall grant appropriate credentials to holders of State college diplomas who have completed the prescribed teacher-training course instead of to all holders of such diplomas. The Legislature of *Connecticut* specifically required the State board of education to offer at each normal-school curricula covering 4 years of study and training which shall fully qualify the graduates of such school to teach in the elementary schools of the State, and such other curricula as the State board of education may from time to time determine. *Minnesota* authorized a new type of certificate to be issued for junior-college teachers, subject to qualifications to be established by the State board of education.

The Legislature of *New York* redefined the qualifications necessary for the office of superintendent, deputy, associate, or assistant superintendent of schools; member of a board of examiners of a city; superintendent of schools in a village having a population of more than 4,500; and also district superintendents of schools. Under the law as amended, in order to be eligible for any of the above offices the candidate must: (1) Be a graduate of a college or university approved by the commissioner of education; (2) have completed 30 semester hours in graduate courses approved by the commissioner of education; (3) have completed 5 years of teaching or supervision in public schools. (Those now in office are exempted from these provisions.) The New York Legislature also authorized the superintendent of schools of any city to require the board of examiners, in anticipation of the reasonable needs of the school system to conduct examinations so that eligible lists may be ready for promulgation as soon as vacancies come into existence.

In *North Dakota* the legislature repealed the provision which permitted the certification of high-school teachers by examination and limited certification by examination to elementary teachers. The *South Dakota* Legislature also provided that the holder of State general certificate is qualified to teach in the ninth grade of any school in the State; it also provided that each person applying for an elemen-

tary-school certificates shall present one-quarter hour of credit in South Dakota history and one-quarter hour credit in South Dakota civics; provided, however, that in lieu of these credits the applicant may pass the regular teachers' examination in these subjects. The Legislature of *Tennessee* provided that 4-year professional elementary and also 4-year professional high-school teachers' certificates now in force and issued on college work shall be renewed for 4 years on 2 years' successful experience and the completion of one quarter's work of at least 12 quarter hours in education. The professional training for limited certificates was also increased. The legislature stipulated that teachers' certificates valid in 1936-37 shall be valid for 1937-38 and 1938-39 without additional work or other requirements.

The Legislature of *Texas* provided that any person who has to his credit in any standard college or university of Texas as much as 6 hours of American Government shall be deemed to have met the State requirements concerning instruction on the Federal and State Constitutions necessary for obtaining a teachers' certificate, and provided further that after September 1, 1937, no student shall be certified for graduation from any tax-supported State educational institution with the award of a college degree unless such student shall have completed at least 6 hours of credit in the government of Texas or of the Government of the United States, or the equivalent in both.

In *Wisconsin* the legislature stipulated that beginning with the school year 1939-40 no certificate to teach in any common school "shall be issued unless the applicant shall have completed 2 years of school work beyond the work of the high school, which shall be devoted to pedagogical instruction and training; provided that the State superintendent of public instruction may grant exemptions from this requirement for the school-year of 1939-40 where teachers with qualifications satisfying this requirement cannot be found; provided further, that any teacher who shall have taught in any common school in the school year 1937-38 or prior thereto, shall be allowed to continue to teach in the common schools without complying with the requirements of this section."

TEACHERS' SALARIES

Legislation reveals a tendency to increase the minimum salaries of teachers. Among the States in which legislation was enacted affecting the salaries of teachers are: California, Georgia, Indiana, Maryland, Pennsylvania, South Carolina, Tennessee, Washington, and West Virginia.

The *California* Legislature fixed the annual salary of \$1,320 for all certified employees of school districts employed full time in day

schools; and authorized county superintendents of schools to apportion from county unapportioned elementary school funds not to exceed \$80 per year to district in county receiving less than \$1,550 from all sources during the year. The Legislature of *Georgia* in 1937 directed the State board of education to certificate and classify all teachers upon the basis of academic and professional training and experience, and to fix a schedule of the minimum salaries which shall be paid to teachers in the various classes. The certificate issued to each teacher shall indicate the classification of such teacher. The Legislature of *Indiana* provided that the State shall annually allot for the maintenance of schools not less than \$700 per teacher unit instead of \$600 as previously provided. This allotment is based on an average daily attendance of 35 for elementary schools and 25 for high schools; provided, however, that the school budgets for 1937 and 1938 must not exceed those of 1936.

The Legislature of *Pennsylvania* established the following minimum annual schedule for the salaries of teachers in school districts of the fourth class: For elementary teachers, \$1,000 with four annual increments of \$50 each; for secondary teachers, \$1,170 with four annual increments of \$100 each. This act contains a proviso specifying that its provision shall not be effective if the "Store and Theatre Tax Act" (344, 1937) is declared unconstitutional. The legislature authorized the superintendent of public instruction to withhold the payment of appropriations to school districts hereafter failing to pay minimum salaries and increments prescribed by law.

The *South Carolina* Legislature stipulated that "the average annual salaries of teachers paid by the State may be, but in no school shall exceed," \$600 per teacher holding a first-grade teacher's certificate, plus \$40 annual increase up to and including 3 years; and \$360 per teacher holding a second-grade certificate, plus \$40 annual increase for 3 years." The Legislature of *Tennessee* increased its State-aid program and directed the State board of education to adopt a minimum salary schedule for all teachers employed in the public elementary schools based on "training and experience."

In *Washington* the legislature stipulated that no school shall contract with a public-school teacher for a smaller amount than \$100 per month on the basis of 12 months per year; provided, that in event sufficient funds are not available to pay \$100 per month, that proportion of \$100 shall be paid which 70 percent of the estimated revenue of the district will permit, with taxes levied at the maximum allowed by law without a vote of the people. The legislature increased the salaries of various county officers, including county superintendents of schools. The salaries of county superintendents now range from

\$3,800 in class A counties to \$1,500 in counties of the ninth class (with less than 3,300 population).

The Legislature of *Wisconsin* stipulated that in order to qualify for elementary school aid a school district shall pay teachers not less than \$80 per month in 1938-39 and not less than \$85 per month commencing with the school year 1939.

TEACHER TENURE AND EMPLOYMENT

Within recent years considerable interest has been manifested in regard to teacher-tenure rights and practices governing the employment of teachers. During the biennium an unusual number of legislative enactments were made affecting the tenure and employment of teachers. Legislation in this general field usually provides for definite tenure rights or for continuing contracts. In some States the provisions are of State-wide application and in other cases they apply only to certain cities or districts.

Perhaps the most outstanding legislation affecting teacher tenure occurred in *Pennsylvania*. In 1937 the Legislature of *Pennsylvania* enacted a State-wide law for all professional employees of the public schools, including teachers, principals, supervisors, directors of vocational education, dental hygienists, visiting teachers, school secretaries (if selected from an eligible list), school nurses, and other full-time employees certified as teachers. The law provides for a continuing contract for every professional employee (hereafter referred to as "teacher") which may not be invalidated unless terminated by the teacher by written resignation 60 days before resignation becomes effective, or by the school board by written notice to the teacher which shall designate the cause for the termination and which shall state that an opportunity to be heard shall be granted if the said teacher presents a written request therefor within 10 days after receipt of said notice.

Other principal provisions of the tenure law are:

- (1) Limits valid causes for dismissal to "immorality, incompetency, intemperance, cruelty, wilful and persistent negligence, mental derangement, persistent and wilful violation of the school laws * * * or substantial decrease in the number of pupils * * * due to natural causes" (exceptions made for retirement on account of age or disability).
- (2) Suspension of teachers on account of decrease in number of pupils shall be in inverse order of their appointment, and their reinstatement in inverse order of their suspension; no new appointments shall be made while suspended teachers are available.
- (3) Hearings pertaining to the dismissal of teachers shall be public, unless otherwise requested by the party against whom the complaint is made, and shall permit teacher to be heard in person or by counsel or both.

- (4) Vests school boards with power to subpoena witnesses, and after "un-biased consideration" of the case, shall by a two-thirds vote determine whether the evidence substantiates the charges or complaints, and in accordance with such determination shall discharge, demote, or retain such teacher or dismiss the complaint.
- (5) Where decision is in favor of the teacher the charges shall be expunged from the records of the school board and there shall be no abatement of salary; but the one against whom the charges were made shall be given an official transcript of the record of the hearing.
- (6) Any teacher may by petition appeal from the decision of the school board to the court of common pleas within 30 days.

The Legislature of *Michigan* in 1937 enacted provisions for a State-wide teacher-tenure system, applicable to all school districts of the State in which the qualified electors thereof, by majority vote of the electors voting thereon, adopt its provisions. The law provides for a probationary period of 2 years for all new teachers and if at the end of this period the board of education is doubtful of putting a particular teacher on "continuing tenure" the said board will be permitted to give this teacher a third probationary year by notifying the State tenure commission.

This act provides that when a teacher has passed the probationary period and continued to be employed she can be dismissed only for just and reasonable cause and in accordance with legal procedures.

The Legislature of *Wisconsin* provided a tenure system for public-school teachers, the essential features of which are as follows:

- (1) All employment of teachers * * * shall be on probation, and after continuous and successful probation for 5 years in the same school system or school, either before or after the taking effect of this section, such employment shall be permanent during efficiency and good behavior and until discharge for cause. A teacher who has acquired permanent employment by reason of 5 or more years of continuous service as herein provided, upon accepting employment in another school system or school to which this section applies, shall be on probation therein for 2 years and after continuous and successful probation for such 2 years in such school system or school, such employment therein shall be permanent during efficiency and good behavior and until discharge for cause.
- (2) No teacher who has become permanently employed, as herein provided, shall be refused employment, dismissed, removed, or discharged, except for cause, upon written charges preferred by the managing body or other proper officer of the school system or school in which such teacher is employed. Such charges shall, after 10 days' written notice thereof to such teacher, and within 30 days of receipt of such notice, upon such teacher's written request, be heard and determined by the managing body of the school system or school in which such teacher is employed and hearings shall be public in all cases when requested by such teacher. The action and decision of such managing body in any such matter shall be final. The provisions of this act shall not apply to teachers having civil-service status.

The *New York* Legislature provided for teacher tenure in union free school districts having a population of more than 4,500 and employing a superintendent of schools. The act provides that teachers, supervisors, and principals in such districts shall be appointed by the board of education upon recommendation of the superintendent of schools, for a probationary period of 3 years. Members of the present staff who have been employed continuously for 3 years preceding this act may be appointed for a probationary period of 1 year. At the end of the probationary term the superintendent shall make a written report to the board of education recommending appointment on a tenure basis of persons found competent, such persons to hold their positions during good behavior and competency of service, and may be removed only for the following causes: "(a) Insubordination, immoral character, or conduct unbecoming a teacher; (b) inefficiency, incompetency, physical or mental disability, or neglect of duty." The act provides for hearings before the board of education of charges against any teacher and right of appeal by the teacher from the decision of the local board or State tenure commission which is created by this act. Authorized boards of education of union free school districts with a population of 4,500 or more to enter into contract with a superintendent of schools for a period of not to exceed 5 years; provided, the superintendent has already served as such for at least 3 years. Similar authority was granted to school districts having 3 or more trustees.

The Legislature of *New Jersey* extended tenure rights to school superintendents in school districts of the first class, and to clerical employees of all school districts.

The Legislature of *California* provided that in case of unification of two or more school districts having an average daily attendance of fewer than 850 resulting in a district having an average daily attendance of 850 or more, probationary employees of such district must serve 3 years in the unified district and be reappointed for the fourth year before becoming permanent. However, the governing boards of unified school districts are authorized to classify as permanent employees of the district any probationary employee of the district making up the unified school district who, prior to the unification, had been employed in such district for 3 years.

The Legislatures of three States, *Florida*, *Georgia*, and *Kansas*, enacted provisions for teacher-tenure systems in certain cities. In each case a probationary period of 3 years was stipulated.

The Legislatures of *Nebraska* and *South Carolina* made provisions for continuing teacher contracts. The *Nebraska* act provides that boards of education in town schools, consolidated schools, rural high schools, or county high schools, must by April 1 of each year either

offer each teacher employed by them a new contract, or by a majority vote of the board vote to dismiss him at the end of the contract period. If the board fails to take either action, the teacher's contract is automatically renewed for a like contract period. This provision also covers superintendents, principals, and supervisors. Three-year term contracts are still-permissible and would be subject to the same renewal provision upon expiration. All school employees whose contracts are automatically renewed under this provision must accept the contracts within 15 days to make them valid.

The South Carolina act provided that when the trustees of any school district fail to notify in writing on or before the tenth day after the close of school any teacher that he or she will not be re-employed for the next ensuing year, "such failure to so notify shall be construed to be and shall be an act of reemployment of such teacher for the next ensuing school year upon the same terms and conditions * * *."

In *Texas* the legislature authorized the trustees of common-school districts or consolidated common-school districts to make 2-year contracts with principals, superintendents, and teachers, provided such contracts are approved by the county superintendent. No contract may be signed by the trustee until the newly elected trustees have qualified.

Miscellaneous provisions governing the employment of teachers.—In 1938 the Legislature of *Kentucky* forbade city school systems to discriminate against married women in the employment of teachers. The legislature enacted the following provision:

That whereas the contract of marriage is one of the most important of all human transactions, and being the very basis of the whole fabric of society; the marriage status and the freedom to enter into the contract of marriage is of vital interest to the public creating the most important relation in life.

That the board of education or the superintendent of public schools of any city within this State shall be prohibited from having, adopting, or making any rules, regulations, laws, or policy in the restraint of marriage of any public school teacher who has had 5 years or more teaching experience within the public schools of this State, and that marriage shall not be grounds for the dismissal of any public school teacher or the cancelation of any teacher's contract.

That all rules, regulations, laws, or policies in conflict with this act and the purpose thereof shall be of no effect; and it is hereby declared as the public policy of this State.

Teacher citizenship.—The Legislature of *New York* authorized boards of education in cities having 1,000,000 or more population to waive the requirement of teachers as to citizenship in certain cases, notwithstanding section 1143 of Education Law. *Pennsylvania* required teachers to be citizens of the United States except in the case

of exchange teachers temporarily employed and teachers employed for the purpose of teaching foreign languages. *South Carolina* stipulated that no public funds of the State or of any of its subdivisions or of any municipality therein shall be available or paid to any person other than a qualified American citizen as compensation for employment unless it shall be certified "in writing under oath that it is not practicable to find an American citizen available for such employment. *Nebraska* made it unlawful to ask religious affiliation of teachers on credentials and application blanks.

TEACHER RETIREMENT

During the 2 years here reviewed legislation was enacted in approximately 30 States which affected or modified in some manner provisions relating to the retirement of teachers. These enactments for the most part tended to improve or extend teacher-retirement benefits. The tendency in legislation is to place retirement systems on a joint-contributory basis, both the teacher and the State contributing to retirement benefits.

The Legislature of *Arkansas* enacted provisions for a State retirement system for all public-school teachers of "elementary and high school grades, including superintendents, principals, and supervisors. Membership in the retirement system is compulsory for all teachers entering the service after the establishment of the system (not compulsory for teachers already in service who are given 1 year to elect whether they shall become members thereof). The administration of the retirement system is vested in a State board of trustees. The cost of administration of the system shall be borne by the State and shall not exceed 2 percent of the combined contributions made by the teachers and the State. All members of the system shall be assessed 4 percent of their annual salaries (up to and including \$2,500, but not in excess of \$2,500). The State shall match teacher contributions with a similar 4-percent contribution computed on the total pay roll of the members of the system. The local school district officers are responsible for the collection of the teachers' contributions. *Retirement benefits*: Optional retirement at 60 years of age or thereafter, with full benefits, provided teacher has served 25 years, 10 years in the State (5 of which shall be immediately preceding retirement). After age of 60 (and 30 years of service) retirement shall be compulsory at the discretion of the local school board. The act provides disability benefits after 10 years of service.

In *Kentucky* the legislature enacted a new teacher-retirement law designed to provide retirement benefits for teachers of State-supported colleges and public schools. This act provided for the administration of the retirement system by a board of trustees. The

system is financed jointly by the State and the teacher members. Each teacher member under 30 years of age contributes 2 percent of his annual salary; and each teacher 40 or more shall contribute 4 percent. The contribution of no member shall exceed \$80 per annum. Under the new law the State will pay an amount equal to that contributed by the teachers, and also make a second temporary contribution to be continued as long as deemed necessary in order to cover the obligation assumed by the State for prior service credit.

The Legislature of *Montana* discontinued the previously existing retirement system for teachers and established a new system. Among the outstanding features of the new retirement system are: (1) Membership in the system is mandatory for all persons who have become teachers or reenter the service on or after September 1, 1937. (2) Membership extends to "any teacher in the public elementary and high schools * * * including kindergarten teachers * * * any school librarian or * * * principal * * * supervisor, * * * superintendent, * * * county superintendent," and other members of the teaching or professional staff of any public elementary or high school, and also including those employed in the office of the State superintendent of public instruction. (3) Administration by a State retirement board of five members, which shall employ an actuary and technical adviser, and shall adopt mortality, service, or other tables deemed necessary. (4) *Retirement benefits*: Superannuation optional upon completion of 15 years' service (last 10 in State) and 60 years of age (retirement compulsory for members 70 years of age after September 1, 1942). (5) *Financed*: (a) By annuity funds made up of deductions of 5 percent from teachers' salaries; (b) by pension accumulation funds, consisting of payments by the State to the account of each member a certain percentage of the earnable compensation of each member. The "rates per centum" of such State contributions shall be fixed on the basis of the liabilities of the retirement system as shown by actuarial valuation. The State's contributions shall be met by the allocation of 5 percent of the net receipts from the sale of liquor at all of the State liquor stores. (6) The new retirement system adjusts and preserves the assets and retirement interests accrued under the previous teacher-retirement system.

In *Nevada* the legislature repealed the teacher-retirement system approved March 23, 1915, as subsequently amended, and enacted a new system for the retirement of teachers. The new retirement system includes all persons serving as legally certified teachers, principals, or superintendents, and instructors in State orphans' home, and all officials and supervisors of the public-school system, including the State and deputy superintendents of public instruction. The

teachers' retirement fund shall be derived from the following sources: (1) All money contained in the teachers' permanent fund established under the 1915 act, (2) all contributions by teachers, (3) income and interest derived from the investment of moneys contained in the teachers permanent fund, (4) an ad valorem tax of 15 mills, (5) all donations, legacies, and bequests made to such fund. Two plans for teachers' contributions are provided: *Plan I*: \$12 per annum per teacher until the credit totals \$360, plus \$24 per annum. *Plan II*: 5 percent of the annual salary of each member, \$12 of which shall be credited to the original member's individual account until such deductions shall total \$360, and in addition to the \$12 annual credit, there shall be taken from the 5 percent annual deductions \$24 which shall be paid into the teachers' permanent fund. The balance of the 5 percent deductions shall be paid into the member's saving annuity account. All new members pay a straight 5 percent of annual salary. The new system provides for retirement salary of \$600 per annum and a member's annuity matched by a State annuity. Any teacher may retire upon attaining 60 years of age and after having 30 years' service (15 or more years in the State in case of original members and 25 or more in case of new members—the last 10 years' service in each case must have been within the State). The 60-year age requirement is applicable to original members who have the prescribed years of service. The retirement fund board may allow any person to retire after the age of 55 and who has 30 years of service and who is physically or mentally infirm or incapacitated for further teaching service. The State board of education shall constitute the public-school teachers retirement salary fund board for the administration of the retirement system.

The Legislature of *New Hampshire* enacted provisions for a State-wide retirement system applicable to all teachers or principals regularly employed in public schools (superintendents not included), and established for the administration of this system a teachers' retirement board of five members. Teachers shall contribute such percentage of their salary as may be determined by the said board but not to be less than \$25 nor more than \$100 per annum. Teachers may retire after 30 years' service (20 years in State—5 years of which in "retirement system area") and 60 years of age, if a woman, and 65 years if a man. May retire for disability without attaining age specified.

The *Texas* Legislature established for the first time a State teachers' retirement system. Membership in the system is compulsory except for those teachers now in service who elect not to become members within 90 days after September 1, 1937. The term "teacher" within the meaning of this act shall include "a person rendering service

to organized public education in professional and business administration and supervision and in instruction in public schools," and includes employees of public-school boards and State department of education, and boards of regents of colleges and universities, and any other board or agency of an educational institution supported wholly or partly by the State. The system provides for optional retirement at 60 years of age, and for compulsory retirement at 70 except that one may remain longer in the service with the approval of his employer. Upon retirement, a member shall receive a retirement allowance in the form of an annuity which shall be the actuarial equivalent of the sum of his savings and the State reserves due him. His retirement allowance reserve shall be derived from (a) accumulated contributions which shall be 5 percent of annual salary, but not to exceed \$100 per annum; (b) an additional sum from the State accumulation fund equal to accumulated contributions by the member. The teacher is required to pay \$1 each year and the State \$25,000 annually for defraying administrative costs of the system.

The *Utah* Legislature in 1937 repealed chapter 62 of 1935 laws providing for a retirement system for teachers and enacted in its place a new law which establishes a retirement system which is claimed to be actuarially sound. The system is inclusive enough to cover all legally qualified teachers serving in public day or evening school, superintendents, supervisors, executives, librarians, and also teachers in State educational institutions and members of the staff of the State superintendent of public instruction rendering service of an educational nature. The new act creates a retirement board of seven members. The law provides that a member of the retirement system who is 55 and has 30 years' service, or who is 60 with 15 years of service, may retire. It is mandatory that teachers retire at the age of 70. Membership in the retirement system is mandatory for all teachers after July 1, 1937. The members shall contribute from their salaries an amount sufficient to provide, on the basis of experience as interpreted by the actuary, an average annuity at 60 years of age equal to $1\frac{1}{40}$ th of the final compensation of such members, for each year of service, which shall be deducted from teacher's salary. There shall be paid monthly from the general fund in the State treasury a sum equal to 6 percent of the total compensation paid to members of the retirement system for services rendered during the preceding year.

The Legislature of *Washington* repealed sections of the State code which provided for the establishment of teachers' retirement systems in cities of the first class and enacted legislation establishing a State-wide retirement system for teachers. The administration of the new system is vested in a State board of trustees. The law requires

an actuarial investigation in 1938 and each 5 years thereafter, and on the basis of such investigation the board of trustees shall adopt such mortality tables as shall be deemed necessary and certify the rate of contribution payable by teachers under the provisions of the act. The system shall be applicable to all teachers now in service, except those under contract for 1937-38 who by petition declare their desire not to become members. The legislature appropriated \$150,000 to insure the payment of disability and annuities as provided by the previous system for 1 year, and \$500,000 for the operation of the new system from April 1, 1938, to March 31, 1939. Teacher contributions shall be based on tables adopted by the board of trustees and which after 30 years' service and 60 years of age will purchase an annuity of \$25 per month, but said contributions shall not exceed 8 percent of the annual compensation of the teacher. The rights of teachers under the previous local systems are preserved. Under the new State-wide system a teacher 60 or more years of age may retire after completing 30 years of service and receive an annuity equivalent to his accumulated contributions, and a pension of \$20 per month, provided, that if annuity earned together with the pension does not amount to \$40 per month, then an additional pension shall be granted to make such payments \$40 per month. This act provides retirement benefits for disabled teachers depending on period of service.

The Legislature of *Illinois* increased the amount which the State auditor is required to set aside from the money available for apportionment in the common-school fund and which is to be paid into the State treasury for the maintenance of the State teachers' pension and retirement fund. *Indiana* increased the maximum pension for teachers from \$700 to \$960 per annum; and reduced the maximum service requirement from 40 to 35 years and the minimum service from 25 to 20 years, and provided for compulsory retirement of teachers at 66 years of age, effective as of July 1, 1939, for all new teachers. *Maryland* authorized the issuance of State bonds "to fund the accrued liability of the State to the teachers' retirement system" for the fiscal years 1938 and 1939, in the amount of \$1,200,000; and added a new section to the State teachers' retirement system which provides for the participation of members of the faculty and staff of the University of Maryland in the retirement system.

In *Massachusetts* the Legislature allowed credit under the teachers' retirement law for service rendered in public day schools outside of the State provided teachers claiming such service pay in one sum into the annuity fund an amount equal to the total assessments for such period. *Massachusetts* also increased from \$100 to \$130 the maximum annual assessment of teachers' salaries for contributions to the annuity fund; and provided that the annual pension rate of a

teacher shall not exceed the annuity purchaseable at his attained age or at 70, whichever is the lesser, by the sum which at the age of 60 would purchase an annuity of \$650. The Legislature of *Michigan* made substantial revisions of the State teachers' retirement system. The minimum annuity was changed from \$300 to \$600 and the maximum was changed from \$500 to \$1,200. The new provision requires that all teachers shall contribute to the fund 3 percent of the annual salary but in no case more than \$90 per year. *Ohio* provided that teachers in the University of the City of Toledo shall be included as members of the State teachers' retirement system.

The Legislature of *Pennsylvania* provided certain retirement benefits for any person past 62 years of age who was a teacher, principal, or other supervisory officer in the public schools of the State for at least 20 years and who separated from school service for any reason prior to July 1, 1919. *Pennsylvania* also authorized boards of education in first-class districts to pay an additional retirement allowance to a superintendent of schools retiring in accordance with legal provisions and who has been employed in the public schools of the Commonwealth 15 years or more in addition to service in other public schools in the United States. *Wisconsin* made compulsory the retirement of teachers in State Teachers Colleges upon the 30th day of June next succeeding the 70th birthday of such teachers. Effective September 1, 1938.

Local retirement systems.—The *California* Legislature authorized governing boards of any district, except districts the employees of which are entitled to benefits of retirement of city or county in which district is located, to establish a district retirement system with the approval of the majority of the electors of the district voting at an election held for that purpose. The local retirement system to be for all certified employees of district and other employees designated. *Georgia* authorized the board of education of any county having more than 200,000 population to create a retirement fund for teachers and employees of the county school system. *Kansas* authorized the board of education of any city of the second class with a population of 5,000 or more to provide "cooperatively with employees to be benefited" a retirement pension plan for all employees assenting to the conditions for the creation of the plan. "Employees shall be construed to include teachers, administrators, secretaries, and all other persons employed regularly in the conduct of the school system."

In *New Mexico* the Legislature, acting upon a special message from the Governor, authorized the board of education of any municipal, county, independent school district, or union high-school district, with the approval of the State educational budget auditor and the State superintendent of public instruction, to "retire from active serv-

ice and establish an emeritus employment status with any teacher, supervisor, custodian, nurse, principal, superintendent, or other professional employee under the following conditions: (a) When said teacher or other employee is over 60 years of age and has been employed in public schools of the State for 25 years (10 years in county of the board retiring him), (b) any one in emeritus employment status shall be subject to the direction of the local school board and may be required to perform such school services as he may be physically qualified to perform. Persons retired under this act shall receive an amount equal to one-half of the average annual salary during last 5 years next preceding emeritus status, but shall not be less than \$600 nor more than \$1,500 per year, paid in monthly installments from the public school maintenance fund of the school district from which person is retired. This act also provides for retirement on account of disability, and the amount of such retirement shall be determined upon the ratio of his years of service in the public schools in the State bears to the 25-year service period. Educational institutions were authorized to retire with pay any professor or employee who has taught or rendered services in either or both the State educational institution and the common schools of the State for a period of 25 years. Said retirement shall not exceed \$1,500 per annum.

The Legislatures of *Delaware* and *Oregon* provided for commissions to study the problems of teacher retirement and to make recommendations for legislative consideration.

The Legislatures of *California*, *Michigan*, and *Ohio* enacted provisions for the retirement of school employees other than teachers.

HANDICAPPED CHILDREN

During the biennium considerable legislation was enacted designed to promote educational facilities of various types of handicapped children. The *California* Legislature authorized the California School for the Blind to give courses in social work among the blind who have received collegiate training in social service and to issue certificates to those satisfactorily completing such courses. *Connecticut* required the State board of education to make regulations for enumeration and reporting of all educationally exceptional children. *Delaware* made an appropriation for the support and instruction of blind babies and blind children too young or too backward to enter schools for the blind. *Iowa* provided that the school census shall include the name, age, sex, and address of all physically or mentally handicapped children.

In *Massachusetts* the legislature extended the advantages of free university extension and correspondence courses to blind persons who have resided in the State for at least 1 year immediately prior to

the taking of such courses. The Legislature of Massachusetts also authorized municipalities to appropriate money to provide eyeglasses for school children 18 years of age or under who are in need thereof and whose parents or guardians are financially unable to furnish the same. Money so appropriated shall be expended under the direction of the mayor and city council of a city and the selectmen of a town. The Legislature of Massachusetts further authorized local school committees of any town or district, in which there is any child under the age of 18 whose hearing is defective to provide instruction in lip-reading for such child. Such instruction shall be in addition to the regular school instruction and shall be for at least 1 hour per week during the school term. The Legislature of *Michigan* transferred the control of the Michigan School for the Deaf in Flint and the Michigan School for the Blind at Lansing to the State board of education; and provided also that the control of the Michigan Employment Institution for the Blind at Saginaw be transferred to the newly created department of public assistance.

The Legislature of *Minnesota* appropriated \$10,000 annually for summer classes for crippled children to be conducted in schools which already maintain such classes. Children from other districts are eligible. The *Missouri* Legislature provided that where any school district has fewer than 10 children in any class of defective, the board of education of such district may contract with any other district for the establishment of special classes for the education of such children. The Legislature of *Missouri* also provided for the compulsory education of deaf children between 6 and 17 years of age, by requiring that such children be sent to some recognized school for the deaf, not applicable to children who have completed the common-school course of instruction. The Legislature of *Nebraska* established a State crippled children's commission.

In *New Jersey* the legislature provided that boards of education shall provide special equipment adapted to the accommodation, care, physical restoration, and instruction of children of school age who are physically handicapped to such an extent, or who possess such chronic organic defects, diseases, or bodily deformities that they cannot, in the opinion of an orthopedic surgeon of recognized standing, or the medical inspector of the school district, be properly accommodated and instructed in the classroom regularly; and provided further, that the board of education of any school district may, by arrangement with the board of education of another school district in the State, provide for the accommodation and instruction of such handicapped children in the special classes of such other districts. The New Jersey Legislature also provided that each school district having 5 or more blind or near blind shall provide for special classes

where such pupils cannot be cared for in existing institutions. Previously school districts in New Jersey were not required to make such provisions unless there were 10 or more such pupils.

The Legislature of *New Jersey* furthermore appropriated approximately \$60,000 to reimburse school districts for one-half of the excess cost of educating crippled children for the school year ending June 30, 1937; and approximately \$75,000 for similar purpose for the fiscal year ending June 30, 1938.

The *New York* Legislature created a State commission to study and recommend measures to improve the facilities for the care of hard-of-hearing and deaf children. The *Oklahoma* Legislature authorized the State board of education to establish a program of instruction for teachers in the Oklahoma Teachers College, pertaining to detection of defective hearing in public-school children and to teach supplementary lip-reading to such children having hearing deficiency. The Legislature of *Oregon* made provision for home instruction for mentally handicapped children upon application of their parents; and authorized the State board of higher education to extend to all counties of the State the benefits of the Child Guidance Clinic of the State University Medical School. Furthermore, the *Oregon* Legislature amended its laws relating to aid for blind students in special schools of higher learning by naming the types of schools and providing that approval must be given by a committee consisting of the superintendent of public instruction, the superintendent of the State school for the blind, and the superintendent of the *Oregon* Trades School.

In *Pennsylvania* the Legislature provided that every attending physician, nurse, parent, or guardian having charge of any minor under 6 years of age who is deaf or whose hearing is impaired, shall report the case to the State department of health, which shall refer the facts of the case to the county medical director, who shall ascertain whether such minor is receiving adequate care and treatment and whether the parent or guardian is financially able to provide the same. If adequate care is not provided, the county medical director shall report the case to the medical inspector of the school district, who shall provide such care and treatment at the expense of the school district or of the commonwealth, as the case may be. The department of health in such instances shall notify the superintendent of public instruction of its disposition of the case, and when it is deemed desirable he shall communicate to the parent or guardian the location for any special school or the nearest public school having special classes for the instruction of the deaf. Appropriated \$25,000 to the department of health for carrying out the provisions of this act. Further-

more, the Legislature of Pennsylvania appropriated \$30,000 to the department of labor and industry for the rehabilitation of the deaf and hard-of-hearing and for the purpose of matching additional Federal funds. Pennsylvania also enacted a law which required (1) medical inspectors to use audiometers in making examinations of the hearing of school children, and (2) the State teachers colleges to provide instruction in methods of examining ears and eyes. This law authorized the appointment of a specialist for ears and eyes and a supervisor of audiometric tests in the department of public instruction, and appropriated \$25,000 to carry out the provisions of this law.

The Legislature of *Rhode Island* accepted the "services for crippled children" (pt. 2 of title V) of the Federal Social Security Act, and designated the State department of public health to administer the provisions thereof, and also directed the said State health department to cooperate with the State department of education in connection with vocational rehabilitation of physically handicapped children. The Legislature of Texas authorized the rehabilitation division of the State department of education to employ legally qualified dentists for diagnosing "crippled children having defects of the oral cavity."

In the State of *Washington* the legislature provided for the establishment and maintenance of special schools for underprivileged children upon petition signed by a majority of school directors in each of two or more schools of the second or third class. Upon such petition the county superintendent shall, if he find sufficient space and a sufficient number of underprivileged children who would be benefited, take action to establish such a school. Such schools shall be under the joint administration of the said districts and the county superintendent. The type of schools or classes authorized under this act are: (1) A "special school" for pupils who are physically and mentally defective, consisting of not fewer than 6 pupils; (2) an "opportunity school" for pupils who are over age or over size for their grade; and (3) a "remedial school" for pupils who are handicapped, underprivileged, or retarded. State aid for transportation of children to such schools is provided for up to 80 percent of the cost therefor; and State aid on a double allowance basis for attendance in such schools.

The Legislature of *Wisconsin* required county and city superintendents of schools to report annually to the State superintendent all cases of physically and mentally handicapped children under 21 years of age, such information to be obtained from teachers. This information may be made available to the crippled children division and to the division of the State department of public instruction having charge of the program for children with defective sight, hearing, or speech, and for children with a mental handicap. This act also pro-

vides for the creation of a special State fund to which can be transferred any unexpired Federal funds granted the State for crippled children service.

SCHOOL HEALTH AND SAFETY

During the 2 years here reviewed the legislatures in a number of States enacted provisions for instruction designed to promote the physical welfare of school children.

The Legislature of *Connecticut* made safety education a subject of instruction in all public schools and required the State board of education, in cooperation with such other State departments, organizations, and instrumentalities engaged in the elimination of motor-vehicle accidents, to prepare materials for use in such instruction and furnish them free of charge to local school superintendents. *Indiana* required the teaching of safety education for one semester in the eighth grade in all public and private schools of the State; and directed the State superintendent of public instruction to prepare a course of study for this purpose.

The Legislature of *Michigan* authorized the board of education to provide for the teaching of health and physical education and kindred subjects in the public schools by qualified instructors having a degree from a school of medicine, public health, or nursing. Instruction in birth control is expressly prohibited in the new law and children may be excused from attending classes in which the subject of sex hygiene is under discussion upon written request of the parent or guardian of the child. The *New York* Legislature required the regents of the University of the State of New York to prescribe "courses of instruction in highway safety and traffic regulation," to be maintained in all public and private schools of the State. "All pupils attending such schools shall attend upon such instruction."

The *North Carolina* Legislature included health to the itemized objects of school expenditures which shall be included in the school budget. The Legislature of *Oklahoma* authorized the school district board of education to employ physicians, dentists, and nurses for the purpose of promoting good health among the children attending the public schools. The *Pennsylvania* Legislature appropriated \$40,000 to the department of health for the use of the Land Grant College of Pennsylvania for advancing research in human nutrition for children.

TRANSPORTATION AND TUITION

Transportation.—During the 2 years here reviewed there was unusual legislative interest in providing transportation facilities to school children. Legislation relating to this problem was enacted in *Alaska*, *Arkansas*, *Connecticut*, *Kentucky*, *North Carolina*, *Massachusetts*,

Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Mexico, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, Wisconsin, and Wyoming.

In a few States legislation was enacted which authorized under certain condition the transportation of children attending private schools. It appears that legislation of this character was enacted in Kansas, Maryland (applicable to Baltimore County), New Hampshire, and Rhode Island.

The legislatures of 3 States enacted measures for the protection of school children while being transported to and from school. *Minnesota* authorized school districts to provide for the protection of children transported in district owned, operated, leased, or controlled motor vehicles. *Pennsylvania* required all private vehicles employed in transporting pupils to be adequately covered by public liability insurance. *Wisconsin* required motor vehicles used in transporting school children to carry insurance to cover liabilities for damages arising in the transportation of school children. School districts are required to pay the premiums or cost of such insurance.

Tuition.—Among the States which enacted legislation expressly providing under certain conditions for the payment of school tuition of nonresident pupils are: *Idaho, Kentucky, Minnesota, and Pennsylvania.*

PRIVATE SCHOOLS

During this biennium an unusual number of legislatures enacted provisions which in some manner affect private schools or the attendance at such schools.

The Legislature of *Michigan* provided that the validity of any contract for the furnishing of correspondence courses of study or for the sale of books executed by the purchaser in the State shall be determined by the laws of Michigan.

New Hampshire provided that pupils attending approved private schools, up to and including the ninth grade, shall be entitled to the same transportation privileges as are provided for pupils in public schools. In *New Jersey* the legislature prohibited any institution which proposes to offer courses of study above high-school grade, which courses satisfy in whole or in part the requirements for a college or university degree, from adopting or using any title or name commonly accepted as descriptive of a collegiate or university institution without first obtaining the approval of the State board of education; and authorized the board to make rules governing the same.

The *New York* Legislature required every applicant for a private trade school license to pay to the State department of education a fee of not more than \$25 to cover the cost of inspection, and a fee of \$10 for each annual renewal; New York also amended its law governing

the licensing of a correspondence school by authorizing the State board of regents to fix and charge a fee upon the granting of a license to a correspondence school. Furthermore, the Legislature of New York required every private trade school to be licensed and stipulated that no license shall be issued to such school until the State board of regents has approved the method of advertising, equipment of the school, and standards and methods of instruction. For the purpose of this act a private trade school is defined as any plan or method used for giving instruction in any trade for a consideration or award. Private business schools and schools for education and training programs conducted by firms or organizations for their own employees without profit are exempted.

The Legislature of *Oregon* provided for regulation, supervision, and licensing of vocational schools and their salesmen by the State superintendent of public instruction. This measure is designed to protect young people from unreliable schools and their agents. The *Pennsylvania* Legislature prohibited the use of the designation "college" by any institution not conforming to the standards of a college prescribed by the State council of education. This act is not applicable to institutions in existence prior to the date upon which it becomes effective.

The *South Carolina* Legislature authorized the board of directors of the Major Conservatory of Music to confer the degree of bachelor of music upon students who have completed the 4-year course of said institution, and provided that a diploma of the institution shall entitle the holder to be accredited by the State board of education.

In *Vermont* the legislature provided for the relief and rehabilitation of worthy educational corporations or associations whose liquidation is threatened by reason of limited income which is insufficient to pay current expenses and reduce its indebtedness from current receipts. Such a corporation or association may petition the court of chancery, which court, if it finds the said educational institution to be conducted in a proper manner and the general welfare require its continuance, may authorize the said institution to use such part of "the principal of such fund" upon the terms as the court shall determine necessary to enable the institution to rehabilitate itself. The legislature also authorized incorporated educational institutions to transfer properties to municipal corporations for school purposes, and prescribed the procedure therefor.

The *Wisconsin* Legislature required all persons offering for sale "any home-study course" in the State to file with the State superintendent a statement of the list price and forms of proposed contracts to be used in making or attempting to make such sales and authorized discounts to be made in respect to sales of home-study courses to

educational institutions and school districts. This act is not applicable to any university or college operated in the State whose credits are accepted by the North Central Association of Colleges and Secondary Schools.

VOCATIONAL AND ADULT EDUCATION

During the biennium here reviewed a number of legislative measures were enacted designed to facilitate provisions for vocational education and for the education of adults.

Vocational rehabilitation.—The Legislature of *California* increased the annual appropriation to the State vocational rehabilitation fund from \$70,000 to \$120,000. In 1937 the Seventy-fifth Congress increased from \$15,000 to \$25,000 the Federal grants allotted for vocational rehabilitation of disabled residents of the *District of Columbia*. The Legislature of *Kansas* provided for the rehabilitation of physically handicapped persons and for the acceptance by the State of the Federal rehabilitation act of June 2, 1920, as amended. The *New York* Legislature designated the Department of Education as the State agency to administer the parts of the Social Security Act which relate to the vocational rehabilitation of physically handicapped persons.

General vocational education.—The Legislature of *Pennsylvania* established provisions for the administration of county systems of vocational schools and classes, subject to the approval of the State board for vocational education, and provided classes for public and other service occupations, including distributive occupational education. The legislature of that State also revised the definition of evening schools and expanded it to include instruction for those unemployed. Furthermore, the Legislature of *Pennsylvania* appropriated \$50,000 to be used to match Federal funds to establish and conduct special vocational, trade, industrial, and commercial classes, and the maintenance of adjustment offices to assist school districts in preparing for employment unemployed youth who are over 16 years of age and out of school; and to provide training and retraining to enable them to enter or continue employment under changing conditions.

Use of school facilities for adult education.—The Legislature of *Montana* authorized boards of school trustees to permit the use of schoolrooms for adult education courses or classes for all persons over 16 years of age. In 1937 the Legislature of *New York* authorized the board of education of any school district to maintain a program of adult education and to utilize buildings, equipment, and other school facilities for such purposes. The local boards of education shall determine the courses which are to be offered, with the approval of the State

department of public instruction. This act authorizes school districts to charge tuition for such instruction, but not to exceed the actual cost per pupil. In 1938 the Legislature of *Mississippi* authorized boards of trustees of school districts in their discretion to establish and maintain day and evening schools for adults, primarily for the reduction of illiteracy and for the improvement of the civic, occupational, and general information of adults and to enable them to make a wise use of their leisure time; provided, however, that the sponsors of adult education program shall pay for extra janitorial service, heat and light, and other necessary expenses required to carry on such program, and provided that such expenses may be paid by the Federal Government.

The Legislature of *Pennsylvania* redefined "extension education" by adding recreational and social service to instructional service; and also added parent education to the list of extension courses and made extension education an integral part of the public-school system. The legislature also lowered from 20 to 15 the number of applicants required for the mandatory establishment of a free extension class and also required that the State council on education adopt standards for the certification of extension leaders.

In 1937 the Legislature of *Utah* authorized every school board to raise and appropriate funds for adult education, and through its superintendent to employ teachers, establish and maintain classes for adults in "English, the fundamental principles of democratic government, citizenship, public affairs, workers' education, forums, arts and crafts, general cultural subjects, adult education, and such other subjects as the State board of education may determine upon." These classes shall be subject to the regulations of the State board of education, and shall be open to all persons 18 years of age or over or to persons who have completed high school. This act created a special fund known as the "adult education fund" and the State board of education is empowered to determine the basis of apportionment of such fund among the districts for adult education, and also any funds allotted by the Federal Government for adult education for which the Governor is by this act authorized to receive in behalf of the State.

In 1938 the Legislature of *Massachusetts* provided that the department of education in cooperation with any town applying therefor may establish instruction in English for persons 18 years of age or over unable to speak, read, or write the same, and in the fundamental principles of government and other subjects adapted to prepare for American citizenship. Previously such special classes were authorized for "adults" only. Such classes "shall be" established upon application of 20 or more residents of any town who are 18 years of age or over.

The George-Deen Act.—A few States recently enacted legislation specifically accepting the provisions of the George-Deen Act. Among such States are California, Pennsylvania, Utah, and Vermont. In this connection it is appropriate to note that special legislation in this respect is apparently unnecessary in most, if not all of the States, since the George-Deen Act was simply an extension of the Smith-Hughes Act. All of the States, the Territories of Hawaii and Puerto Rico, and the District of Columbia now receive the benefits of the Smith-Hughes and George-Deen Acts.

FEDERAL LEGISLATION RELATING TO EDUCATION

In 1937 Congress included in the Interior Department Appropriation Act an increase of approximately \$9,000,000 to the sums previously authorized for allotments to the States and Territories for vocational education in agriculture, trades and industries, and home economics, and also an increase of \$1,054,000 for the training of teachers in these fields, and, furthermore, included for the first time an appropriation of \$1,254,000 to be used in initiating programs providing training for the distributive occupations, including teacher training in that field. The increase here mentioned was previously authorized by the George-Deen Act (H. R. 12120) approved June 8, 1936. This act provided that the States and Territories participating in the increased grants are required to match by 50 percent the Federal increased grants for the first 5 years, after which the percentage is to be increased 10 percent each year until it reaches 100 percent in 1947.

Furthermore, in the Emergency Relief Appropriation Act of 1937 Congress expressly provided that funds available to the Federal Emergency Administration of Public Works "for the making of loans or grants or loans and grants may be used for projects (in addition to other purposes for which funds may be used) of the following classes in amounts not to exceed the sum specified for each such class: (a) For school projects * * * to replace, eliminate, or ameliorate existing school facilities or conditions which, in the determination of the Administrator, are hazardous to the life, safety, or health of school children, \$60,000,000 for grants, and \$11,000,000 for loans."

